



भारत का राजपत्र

The Gazette of India

प्राधिकार से प्रकाशित

३६९

PUBLISHED BY AUTHORITY

सं० ४४] नई विल्सी, शनिवार, नवम्बर १, १९६९/कार्तिक १०, १८९१

४४¹ NEW DELHI, SATURDAY, NOVEMBER 1, 1969/KARTIKA 10, 1891

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

NOTICE

नीचे लिखे भारत के प्रसाधारण राजपत्र १६ अक्टूबर १९६९ तक प्रकाशित किये गये :—

The undermentioned Gazettes of India Extraordinary were published up to the 16th October, 1969 :—

Subject No.	No. and Date	Issued by	Subject
32	S. O. 4038, dated 26th September, 1969.	Ministry of Foreign Trade and Supply.	Amendment of late Ministry of Commerce's S. O. No. 1270 of 25th March, 1966.
33	S. O. 4039, dated 26th September, 1969.	Ministry of Labour, Employment and Rehabilitation.	Referring the dispute between the employers in relation to the management of Messrs Sapahi Mica Mines, Jhumritelaiya and their workmen for adjudication to the Industrial Tribunal (No. 27) Dhanbad.
	S. O. 4040, dated 26th September, 1969.	Do.	Prohibiting the continuance of the strike by the Workmen of Messrs Sapahi Mica Mines, Jhumritelaiya.
4	S. O. 4041, dated 27th September, 1969.	Ministry of Home Affairs	Declaring the duty by every person serving in Jammu and Kashmir for a period of three months with effect from 26th September, 1969 as active duty.

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335	S. O. 4042, dated 27th September, 1969.	Election Commission of India.	Amendment in notification No. 56/69-II (S. O. 89), dated 4th January, 1969.]
336	S. O. 4043, dated 27th September, 1969.	Ministry of Information and Broadcasting.	Approval of the films as specified in the Schedule therein
	एस० ओ० 4044, दिनांक 27 सितम्बर, 1969।	सूचना श्रौ प्रसारण मंत्रालय	अनुसूची में दी गई फिल्मों को स्वीकृत करना।
337	S. O. 4045, dated 29th September, 1969.	Ministry of Food, Agriculture, Community Development and Co-operation.	Declaring the quality of seeds of the varieties mentioned in the table there in as the notified varieties in respect of the areas mentioned therein.
	S. O. 4046, dated 29th September, 1969.	Do.	Specifying the minimum limits of germination and purity with respect to the seed of the notified varieties mentioned in the table therein.
	एस० ओ० 4047, दिनांक 29 सितम्बर, 1969।	खाद्य, कृषि, सामुदायिक विकास तथा सहकारिता मंत्रालय	कृषि के लिये बीजों की किसी का सारिणी के अनुसार नियत करना।
	एस० ओ० 4048, दिनांक 29 सितम्बर, 1969।	तर्दीव	कृषि के बीजों की अंकुरण और शुद्धता की न्यूनतम सीमा की तालिका के अनुसार विनिश्चय करना।
338	S. O. 4049, dated 29th September, 1969.	Ministry of Food, Agriculture, Community Development and Co-operation.	Appointing the 1st day of October 1969 as the date on which certain sections of the Seeds Act, 1966 shall come into force in the whole of India.
	एस० ओ० 4050, दिनांक 29 सितम्बर, 1969।	खाद्य, कृषि, सामुदायिक विकास तथा सहकारिता मंत्रालय	बीज अधिनियम 1966 की धाराओं का 1 अक्टूबर, 1969 से समस्त भारत में लागू होना।
339	S. O. 4051, dated 29th September, 1969.	Ministry of Food, Agriculture, Community Development and Co-operation.	Amendment to Order No. S. O. 3479, dated 29th August, 1969.
340	S. O. 4052, dated 3rd October, 1969.	Ministry of Railways	Appointment of Shri D. P. Sharma, District Judge as a whole time Civil Commissioner to deal with the claims for compensation arising out of the accident involving 398 Up Asansol-Puri Passenger train.
341	S. O. 4053, dated 3rd October, 1969.	Election Commission of India.	Errata to Notification No. 282/1/My/69, dated 30 July, 1969.

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342	S.O. 4054, dated 6th October, Ministry of Irrigation & Constitution of a Water Disputes Tribunal called "the Narmada Water Disputes Tribunal." 1969.	Power	
	एस० ओ० 4055, विनांक सिचाई और विच्युत मंत्रा- "नर्मदा जल विवाद अधिकरण" 6 अक्टूबर, 1969।	लय	नामक एक जल विवाद अधिकरण गठित करना।
343	S.O. 4156, dated 6th October, Ministry of Finance 1969.	Scale of charges for the remuneration of valuers.	
344	S.O. 4157, dated 8th October, Ministry of Foreign Trade 1969.	Relaxation regarding export and Supply.	of tea.
345	S.O. 4158, dated 9th October, Ministry of Information 1969.	Approval of the films as specified in the schedule thereto and Broadcasting.	
	एस० ओ० 4159, विनांक सूचना और प्रसारण 9 अक्टूबर, 1969।	मंत्रालय	अनुमूली में दी गई फिल्मों को स्वीकृत करना।
346	S.O. 4160, dated 9th October, Ministry of Industrial Development, Internal Trade and Company Affairs. 1969.	Authorising the Gujarat State Textile Corporation Ltd., Ahmedabad to take over the management of the Himabhai Mfg. Co. Ltd. Ahmedabad.	
347	S.O. 4161, dated 10th October, 1969.	Ministry of Foreign Trade and Supply.	Direction that the Order No. S.O. 1196, dated 13th April 1966 shall continue to have effect for a further period upto the 15th January 1970.
348	S.O. 4222, dated 14th October, 1969.	Do.	The Exports (Control) Eighteenth Amendment Order, 1969.
349	S.O. 4223, dated 16 October, 1969.	Ministry of Home Affairs	President's rule in the Union Territory of Manipur.
350	S.O. 4224, dated 16th October, 1969.	Do.	Declaring the duty by every person serving in Union Territory, Chandigarh for a period of three months with effect from 15th September, 1969 as active duty.

झपर लिखे प्रसाधारण राजपत्रों की प्रतियाँ प्रकाशन प्रबन्धक, सिविल साइंस, विल्सी के नाम मांगपत्र भेजने पर भेज दी जाएंगी। मांगपत्र प्रबन्धक के पास इन राजपत्रों के जारी होने की तारीख से 10 दिन के भीतर पहुंच जाने चाहिए।

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

भाग II— प्र 3—उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ भेत्र प्रशासन को छोड़कर) अन्तर्राष्ट्रीय प्राधिकरणों द्वारा जारी किये गये विधिक घारेश और अधिसूचनाएँ

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

ELECTION COMMISSION OF INDIA

ORDERS

New Delhi, the 26th September 1969

S.O. 4329.—Whereas the Election Commission is satisfied that Shri Hari Datt s/o Shri Tulsi Ram, Village Nakot, Post Office Agastmuni, District Chamoli, Uttar Pradesh, a contesting candidate for mid-term general election held in February, 1969 to the Uttar Pradesh Legislative Assembly from Badri Kedar Assembly constituency has failed to lodge an account of his election expenses in the manner required by the Representation of the People Act, 1951 and the Rules made thereunder;

And whereas after considering the representation made by the said candidate, the Election Commission is further satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Hari Datt to be disqualified for being chosen as, if and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/8/69(3).]

New Delhi, the 14th October 1969

S.O. 4330.—Whereas the Election Commission is satisfied that Shri M. Veerappan, Abishegapakkampet, Abishegapakkampet P.O. Pondicherry a contesting candidate for the mid-term election held in March, 1969 to the Pondicherry Legislative Assembly from Embalom constituency, has failed to lodge an account of his election expenses in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri M. Veerappan to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. PD-LA/17/69.]

New Delhi, the 15th October 1969

S.O. 4331.—Whereas the Election Commission is satisfied that Shri A. Delvasigamani, Kannialkoll, Manapet Post (Pondicherry) a contesting candidate for the mid-term election held in March, 1969 to the Pondicherry Legislative Assembly from Courouvinattam constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri A. Deivasigamani to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. PD-LA/10/69.]

By Order,

A. N. SEN, Secy.

भारत निर्वाचन आयोग

प्रावेश

नई दिल्ली, 26 सितम्बर 1969

एस०ओ० 4332 यत, निर्वाचन आयोग का समाधान हो गया है कि करबरी 1969 को हुए उत्तर प्रदेश विधान सभा के लिए मध्यांतरधि सधारण निर्वाचन के लिए बढ़ी-केदार निर्वाचन धेत्र से चुनाव लड़ने वाले उम्मीदवार श्री हरिदत्त सुपुत्र श्री तुलसी राम, भाम नाकोट, पोस्ट आफिस ग्रामस्तमुनी, जिला चमोली, उत्तर प्रदेश लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित रीति से अपने निर्वाचन व्यायों का लेखा दाखिल करने में असफल रहे हैं;

ग्रौर, यतः, उक्त उम्मीदवार द्वारा दिये गये अभ्यावेदन पर विचार करने के पश्चात् निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस प्रसफलता के लिए पर्याप्त कारण या न्यायोचित नहीं हैं;

अतः, अब, उक्त अधिनियम की धारा 10-के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री हरिदत्त को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने ग्रौर होने के लिए, इस आदेश की तारीख से तीन वर्ष की कासाविधि के लिए निरहित घोषित करता है।

[स० उ०प्र०व०स०/8/69 (3)]

नई दिल्ली, 4 अक्टूबर 1969

एस०ओ०, 4333 यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1969 में हुए पांडिचेरी विधान सभा के लिए मध्यांतरधि निर्वाचन के लिए एमबालौम निर्वाचन-धेत्र से चुनाव लड़ने वाले उम्मीदवार श्री एम० विराप्तन, अविशेगा पक्कामपैट, अविशेगा पक्कामपैट पोस्ट आ०, पांडिचेरी लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित रीति से अपने निर्वाचन व्यायों वा लेखा दाखिल करने में असफल रहे हैं;

ग्रौर, यतः, उक्त उम्मीदवार उसे सम्यक सूचना दिए जाने पर भी लेखा दाखिल करने में असफल रहा है और उसने अपनी इस प्रसफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस प्रसफलता के लिए कोई पर्याप्त कारण या न्यायोचित नहीं है;

अतः, अब, उक्त अधिनियम की धारा 19-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री एम० विराप्त को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निर्धारित घोषित करता है।

[सं० पांडि०-वि०स०/17/69]

नई दिल्ली, 15 अक्टूबर, 1969

एस० धो० 4334 यतः निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1969 में हुए पांडिचेरी विधान सभा के लिए मछावधि निर्वाचित के लिए कौरैविनातम निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री ए० दैवासिगामनी कन्नयाकोइल, मानापेट पोस्ट (पांडिचेरी), लोक प्रतिनिधित्वप्रधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार उसे सम्यक सूचना दिए जाने पर भी लेखा दाखिल करने में असफल रहा है और उसने अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित नहीं है;

अतः, अब उक्त अधिनियम की धारा 19-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री ए० दैवासिगामनी को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निर्धारित घोषित करता है।

[सं० पांडि०-वि०स०/10/69]

आदेश से,

ए० एन० सेन,

सचिव, भारत निर्वाचन आयोग।

New Delhi, the 21st October 1969

S.O. 4335.—In pursuance of clause (b) of sub-section (2) of section 116C of the Representation of the People Act, 1951, the Election Commission hereby publishes the order of the Supreme Court of India, New Delhi, dated the 6th October, 1969, in Civil Appeal No. 1574(NCE) of 1968 against Election Petition No. 1 of 1967.

IN THE SUPREME COURT OF INDIA.
CIVIL APPELLATE JURISDICTION.
CIVIL APPEAL NO. 1574 OF 1968.

Shyamlal Saraf .. Appellant

Vs.

Mohd. Shaffi Qurashi and another .. Respondents

ORDER

This appeal is allowed to be withdrawn. The appellant to pay the costs incurred till this date, but not the hearing fee.

(Sd.) S. M. SIKRI

(Sd.) G. K. MITTER

(Sd.) P. JAGANMOHAN REDDY.

New Delhi, the 6th October, 1969.

[No. 82/1/J&K/HP/68.]

By Order,

ROSHAN LAL, Secy.

MINISTRY OF HOME AFFAIRS

New Delhi, the 16th October 1969

S.O. 4336.—In pursuance of clause (1) of article 239 of the Constitution, the President hereby directs that the Administrators of the Union territories of Chandigarh, Delhi, Goa, Daman and Diu, Himachal Pradesh, Manipur and Pondicherry shall, subject to the control of the President and until further orders, exercise the powers and discharge the functions of the Central Government under section 11 of the Central Sales Tax Act, 1956 (74 of 1956), within the respective Union territories.

[No. F. 2/5/69-UTL.]

P. N. KAUL, Deputy Secy.

गृह मंत्रालय

नई दिल्ली 1969 अक्टूबर 1969

का० आ० 4337 संविधान के अनुच्छेद 239 के खण्ड (1) के अनुसरण में राष्ट्रपति एतद्वारा निर्देश देते हैं कि चण्डीगढ़, दिल्ली, गोवा, धमन और दीव, हिमाचल प्रदेश, मणिपुर और पांडिचेरी के संघ राज्यक्षेत्रों के प्रशासक, राष्ट्रपति के नियंत्रण के अधीन तथा और आगे आदेश होने तक, केन्द्रीय विक्रय कर अधिनियम 1956 (1956 का 74) की धारा 11 के अधीन केन्द्रीय सरकार की शक्तियों का प्रयोग और कृत्यों का नियंत्रण, आपने अपने संघ राज्यक्षेत्रों के भीतर करेंगे।

[सं० एफ० 2/5/69-यू० टी० एल०]

पी० एन० कौल,

उप सचिव, भारत सरकार।

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 24th October 1969

S.O. 4338.—In pursuance of clause (a) of section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948, the Central Government hereby authorises Shri D. K. Jhangiani, Assistant in the Trade Commission of India, Vancouver (Canada) to perform the duties of a Consular Agent, with immediate effect, until further orders.

[No. F. T.4330/7/69.]

S.O. 4339.—In pursuance of clause (a) of section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948, the Central Government hereby authorises Shri A. B. S. Kohli, Personal Assistant in the Consulate General of India, Frankfurt to perform the duties of a Consular Agent, from 15th October, 1969 to 24th November, 1969.

[No. F. T.4330/7/69.]

S.O. 4340.—In pursuance of clause (a) of section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948, the Central Government hereby authorises Shri K. L. Bhardwaj, Assistant in the High Commission of India, Blantyre to perform the duties of a Consular Agent, with effect from the 11th September, 1969, until further orders.

[No. F. T.4330/7/69.]

P. C. BHATTACHARJEE, Under Secy.

MINISTRY OF FINANCE

(Department of Expenditure)

New Delhi, the 15th October 1969

S.O. 4341.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution, and all other powers enabling him in this behalf and after consultation with the Comptroller and Auditor-General in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following regulations further to amend the Civil Service Regulations, namely:—

1. These Regulations may be called the Civil Service (Twelfth Amendment) Regulations, 1969.

2. In the Civil Service Regulations:—

(i) for Article 514, the following Article shall be substituted, namely:—

“514. (a) The provisions contained in Article 521 shall apply in relation to the fixation of pay on re-employment of an officer in receipt of compensation pension as they apply in relation to the fixation of pay of an officer re-employed after superannuation or retirement.

Note: This rule shall apply to every person on his re-employment in any establishment paid from General Revenue other than a person re-employed in a casual capacity on daily rate basis.

(b) If his re-employment is in qualifying service, he may either retain his pension in which case his former service will not count for future pension, or cease to draw any part of his pension and count his previous service. Pension intermediately drawn need not be refunded.

Note: An officer counts his previous service under clause (b) if on re-employment his pension remains wholly in abeyance.”

(ii) for Article 521, the following Article shall be substituted, namely:—

“521. The authority competent to fix the pay and allowances of the post in which the pensioner is re-employed shall determine whether the pension shall be held wholly or partly in abeyance. If pension is drawn wholly or in part, such authority shall take the fact into account in fixing the pay to be allowed to him:

Provided that in the case of any such person who retires before attaining the age of fifty-five and is re-employed on or after 16th January, 1964, the amount of pension drawn by him if it is less than fifty rupees, or the first fifty rupees of the pension if it exceeds fifty rupees, shall not be taken into account in fixing his pay on re-employment.

Note: Where the employment is in service paid from a local fund, the authority determining whether the pension shall be wholly or partly held in abeyance shall be either:

(i) the authority administering the local fund, if so empowered by the Government by special or general orders in this behalf; or
(ii) in any other case, the Government or such other authority as the Government may prescribe."

[No. 5(16)-E.III(B)/66.]

R. K. MATHUR, Dy. Secy..

(Department of Banking)

New Delhi, the 16th October 1969

S.O. 4342.—Statement of the Affairs of the Reserve Bank of India, as on the 10th October, 1969

BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital Paid Up	5,00,00,000	Notes	27,67,44,000
		Rupee Coin	4,43,000
Reserve Fund]	150,00,00,000	Small Coin	6,79,000
National Agricultural Credit (Long Term Operations) Fund	155,00,00,000	Bills Purchased and Discounted :— (a) Internal	
		(b) External	
		(c) Government Treasury Bills	211,25,79,000
National Agricultural Credit (Stabilisation) Fund	35,00,00,000	Balance Held Abroad*	151,23,20,000
National Industrial Credit (Long Term Operations) Fund	75,00,00,000	Investments**	90,09,71,000
		Loans and Advances to :— (i) Central Government	
		(ii) State Governments@	69,11,31,000
Deposits—		Loans and Advances to :— (i) Scheduled Commercial Banks†	40,25,25,000
(a) Government—		(ii) State Co-operative Banks†	255,92,79,000
(i) Central Government	55,60,38,000	(iii) Others	2,91,06,000

Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund—

(a) State Governments	8,07,30,000	(a) Loans and Advances to :—	
		(i) State Governments	31,55,93,000
		(ii) State Co-operative Banks	16,31,31,000
		(iii) Central Land Mortgage Banks	—
(b) Banks—		(b) Investment in Central Land Mortgage Bank Debentures	8,99,60,000
(i) Scheduled Commercial Banks	170,05,20,000	Loans and Advances from National Agricultural Credit (Stabilisation) Fund—	
(ii) Scheduled State Co-operative Banks	7,78,93,000	Loans and Advances to State Co-operative Banks	6,42,24,000
(iii) Non-Scheduled State Co-operative Banks	57,88,000	Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund—	
(iv) Other Banks	29,49,000	(a) Loans and Advances to the Development Bank	6,26,71,000
(c) Others	225,11,17,000	(b) Investment in bonds/debentures issued by the Development Bank	—
Bills payable	24,95,23,000	Other Assets	34,04,77,000
Other Liabilities	39,72,75,000		
Rupees	952,18,33,000	Rupees	952,18,33,000

*Includes Cash, Fixed Deposits and Short-term Securities.

**Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@ Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary over-drafts to State Governments.

†Includes Rs. 2,45,00,000 advanced to scheduled commercial banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 15th day of October 1969.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 10th day of October, 1969

ISSUE DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Notes held in the Banking Department	27,67,44,000	Gold Coin and Bullion :—	
Notes in Circulation	<u>3521,64,09,300</u>	(a) Held in India	182,53,11,000
Total Notes issued	<u>3549,31,53,000</u>	(b) Held outside India
TOTAL LIABILITIES	3549,31,53,000	Foreign Securities	<u>220,88,70,000</u>
		TOTAL	443,41,81,000
		Rupee Coin	73,12,17,000
		Government of India Rupee Securities	3032,77,55,000
		Internal Bills of Exchange and other commercial paper
		TOTAL ASSETS	3549,31,53,000

Dated the 15th day of October, 1969.

B. N. ADARKAR,
Dy. Governor.

[No. F. 3(3)-BC/69.]

New Delhi, the 18th October 1969

S.O. 4343.—In exercise of the powers conferred upon it by clause (c) of section 10 of the Agricultural Refinance Corporation Act, 1963 (10 of 1963), the Central Government hereby nominates Shri K. Ramamurthy, Joint Secretary, Ministry of Finance (Department of Banking) as a director of the Agricultural Refinance Corporation *vice* Shri D. N. Ghosh.

[No. F. 14/38/69-SB.]

New Delhi, the 22nd October 1969

S.O. 4344.—Statement of the Affairs of the Reserve Bank of India as on the 17th October, 1969.

BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital paid up	5,00,00,000	Notes	38,26,80,000
		Rupee Coin	4,15,000
Reserve Fund	150,00,00,000	Small Coin	6,93,000
National Agricultural Credit (Long Term Operations) Fund	155,00,00,000	Bills Purchased and Discounted :—	
		(a) Internal	..
		(b) External	..
		(c) Government Treasury Bills	201,50,44,000
National Agricultural Credit (Stabilisation) Fund	35,00,00,000	Balances Held Abroad*	153,39,89,000
		Investments**	90,52,84,000
National Industrial Credit (Long Term Operations) Fund	75,00,00,000	Loans and Advances to—	
		(i) Central Government	..
		(ii) State Governments @	92,35,46,000

Deposits :—		Loans and Advances to :—	
(a) Government		(i) Scheduled Commercial Banks†	37,88,18,000
(i) Central Government	52,72,25,000	(ii) State Co-operative Banks†	257,18,55,000
(ii) State Governments	4,75,74,000	(iii) Others	2,94,81,000
(b) Banks		Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund :—	
(i) Scheduled Commercial Banks	191,89,76,000	(a) Loans and Advances to :—	
(ii) Scheduled State Co-operative Banks	7,22,47,000	(i) State Governments	31,55,39,000
(iii) Non-Scheduled State Co-operative Banks	57,97,000	(ii) State Co-operative Banks	16,29,23,000
(iv) Other Banks	19,87,000	(iii) Central Land Mortgage Banks	..
(c) Others	230,92,67,000	(b) Investment in Central Land Mortgage Bank Debentures	9,47,60,000
Bills Payable	24,02,67,000	Loans and Advances from National Agricultural Credit (Stabilisation) Fund :—	
Other Liabilities	44,26,14,000	Loans and Advances to State Co-operative Banks	6,56,81,000
	Rupees 976,59,54,000	Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund :—	
		(a) Loans and Advances to the Development Bank	6,26,71,000
		(b) Investment in bonds/debentures issued by the Development Bank	..
		Other Assets	32,25,75,000
		Rupees	976,59,54,000

*Includes Cash, Fixed Deposits and Short-term Securities.

**Excluding investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. 21,96,00,000 advanced to scheduled commercial banks against usance bills under section 17(4) (c) of the Reserve Bank of India Act.

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 22nd day of October, 1969.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 17th day of October, 1969

ISSUE DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Notes held in the Banking Department		Gold Coin and Bullion:—	
. . .	38,26,80,000	(a) Held in India.	182,53,11,000
Notes in circulation	<u>3512,18,82,000</u>	(b) Held outside India
Total Notes issued . . .	3550,45,62,000	Foreign Securities	260,88,70,000
		TOTAL	443,41,81,000
		Rupee Coin	74,26,82,000
		Government of India Rupee Securities	3032,76,99,000
		Internal Bills of Exchange and other Commercial paper
Total Liabilities . . .	3550,45,62,000	Total Assets	3550,45,62,000

Dated the 22nd day of October, 1969.

L. K. JHA,
Governor.

[No. F. 3(3).BC/69.]
K. YESURATNAM, Under Secy.

वित्त मंत्रालय

(बैंकिंग विभाग)

नई दिल्ली, 18 अक्टूबर, 1969

एस० ओ० 4345.—कृषि पुनर्वित्त निगम अधिनियम, 1963 (1963 का 10 वां) की धारा 10 के खण्ड (ग) के द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा वित्त मन्त्रालय (बैंकिंग विभाग) के संयुक्त सचिव श्री कें राममूर्ति को श्री डी० एन० धोष के स्थान पर कृषि पुनर्वित्त निगम के निदेशक के रूप में नामजद करती है।

[स० एफ० 14/38/69-एस० ओ०]

कें येसुरनिम्, अनुसन्धित।

(Department of Banking)

New Delhi, the 17th October 1969

S.O. 4346.—In pursuance of clause (4BB) of section 17 of the Reserve Bank of India Act, 1934 (2 of 1934), the Central Government hereby notifies the Madras Industrial Investment Corporation Limited as a financial institution for the purposes of the said clause.

[No. F. 6(48)-Corp/69.]

M. K. VENKATACHALAM,
Director (Investments).

(Department of Revenue and Insurance)

INCOME-TAX ESTABLISHMENTS

New Delhi, the 22nd August 1969

S.O. 4347.—Consequent on their transfers, the powers conferred on the following officers of the Ministry of Finance (Department of Revenue & Insurance) Notifications noted against each, are hereby withdrawn with effect from the date shown against their names:—

S. No.	Name of the officer	Notification number & date	Date from which powers are withdrawn
1.	Shri V. P. Gupta, A.R. I.T.A.T., Delhi.	Notification No. 220, Income- tax Estts., dated the 8th July 1968.	3-5-1969(AN)
2.	Shri O. C. Tandon, J.A.R. I.T.A.T., Delhi.	Notification No. 31, Income- tax Estts., dated the 25th April 1963.	11-7-1969(AN)

[No. 322]

S.O. 4348.—In pursuance of clause (b) of sub-rule (ii) of rule 2 of the Appellate Tribunals Rules, 1946, the Central Government has been pleased to appoint the undermentioned officers as Authorised Representative/Junior Authorised Representative, Income-tax Appellate Tribunal with effect from the date noted against them to appear, plead and act for any Income-tax authority who is a party to any proceedings before the Income-tax Appellate Tribunal:—

S. No.	Name of the officer	Appointed as	Date of appointment
S/Shri 1.	C. R. Sen, I.T.O., Class II, West Bengal charge.	Junior Authorised Representa- tive, Income-tax Appella- te Tribunal, Calcutta.	6-2-1969

S. No.	Name of the officer	Appointed as	Date of appointment
S/Shri			
2.	Sheikh Abdullah, I.A.C., Bombay.	Authorised Representative, Income-tax Appellate Tribunal, Bombay.	19-3-1969
3.	V. R. Talwadkar, I.A.C., Bombay.	Do.	Do.
4.	S. K. Sarma, I.A.C., Madras	Authorised Representative, Income-tax Appellate Tribunal, Madras.	24-3-1969
5.	S. R. Vaish, D.D.I. (Intel.), Delhi.	Authorised Representative, Income-tax Appellate Tribunal, Delhi.	3-5-1969(AN)
6.	P. Ranganathan, I.T.O., Class I, Delhi.	Junior Authorised Representative, Income-tax, Delhi.	9-5-1969
7.	P. C. Misra, I.T.O., Class I, Ahmedabad.	Junior Authorised Representative, Income-tax Appellate Tribunal, Ahmedabad.	1-5-1969
8.	A. K. Ghosh, I.T.O., Class I, Bihar charge.	Junior Authorised Representative, Income-tax Appellate Tribunal, Patna.	24-5-1969(AN)
9.	P. P. Kaistha, I.A.C., Jammu.	Authorised Representative, Income-tax Appellate Tribunal, Delhi.	24-7-1969
10.	N. Sriramamurty, I.T.O., Class I (on return from deputation as Under Secretary, C.B.D.T.).	Junior Authorised Representative, Income-tax Appellate Tribunal, Hyderabad.	29-7-1969
11.	M. S. Moray, A.D.I. (Investigation), Delhi.	Junior Authorised Representative, Income-tax Appellate Tribunal, Delhi.	1-8-1969
12.	T. S. Kasturi, I.A.C., Delhi.	Authorised Representative, Income-tax Appellate Tribunal, Delhi/Indore.	24-3-1969
13.	E. M. Narayanan Unni, I.A.C., Ernakulam.	Authorised Representative, Income-tax Appellate Tribunal, Cochin.	11-4-1969 (AN) to 19-4-1969 (AN)
14.	K. G. Nair, I.A.C., Ernakulam.	Do.	19-4-1969 (AN) to 12-5-1969 (FN)
15]	K. K. Gopalakrishnan, I.T.O., Class II, Ernakulam.	Junior Authorised Representative, Income-tax Appellate Tribunal, Cochin.	22-4-1969 (AN) to 17-5-1969
16.	P. Srinivasan, I.A.C., Ahmedabad.	Authorised Representative, Income-tax Appellate Tribunal, Ahmedabad.	27-5-1969 to 7-6-1969

(राजस्व और बीमा विभाग)

आयकर स्थापन

नई दिल्ली, 22 अगस्त, 1969

एस० ओ० 4349:—वित्त मंत्रालय (राजस्व और बीमा विभाग) के निम्नलिखित अधिकारियों को प्रत्येक के सामने लिखित अधिसूचनाओं द्वारा प्रदत्त शक्तियां उनके स्थानांतरण के परिणामस्वरूप उनके नाम के सामने वर्णित तारीख से एतद्वारा प्रत्याहृत की जानी हैं।

क्रम सं०	अधिकारी का नाम	अधिसूचना की संख्या और तारीख	वह तारीख जिससे शक्तियां प्रत्याहृत की गई हैं
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- श्री वी० पी० गुप्ता, प्राधिकृत प्रतिनिधि, अधिसूचना संख्या 220, आय-कर अपील अधिकरण, दिल्ली कर स्थापन, तारीख 8 जुलाई, 1963 3-5-1969 (अपराह्न)
- श्री ओ० सी० टंडन, कनिष्ठ प्राधिकृत प्रतिनिधि, आय-कर अपील अधिकरण के प्राधिकृत प्रतिनिधि/कनिष्ठ प्राधिकृत प्रतिनिधि के रूप में, किसी आय-कर प्राधिकारी की ओर से जो आय-कर अपील अधिकरण के समक्ष किन्हीं कार्यवाहियों में पक्षकार हैं, उनके सामने लिखी तारीख से हाजिर होने, अभिवचन करने सथा कार्य करने के लिए नियुक्त करती है। 11-7-1969 (अपराह्न)

[सं० 322]

एस० ओ० 4350:—अपील अधिकरण नियम, 1946 के नियम 2 के उपनियम (ii) के खण्ड (ख) के अनुसरण में केन्द्रीय सरकार निम्नलिखित अधिकारियों को आय-कर अपील अधिकरण के प्राधिकृत प्रतिनिधि/कनिष्ठ प्राधिकृत प्रतिनिधि के रूप में, किसी आय-कर प्राधिकारी की ओर से जो आय-कर अपील अधिकरण के समक्ष किन्हीं कार्यवाहियों में पक्षकार हैं, उनके सामने लिखी तारीख से हाजिर होने, अभिवचन करने सथा कार्य करने के लिए नियुक्त करती है।

क्र० सं०	अधिकारी का नाम	के रूप में नियुक्त	नियुक्ति की तारीख
(1)	(2)	(3)	(4)

सर्वश्री:—

- सी० आर० सेन, आय-कर अधि०, कनिष्ठ प्राधिकृत प्रतिनिधि, आय-कर अपील अधिकरण, कलकत्ता। 6-2-1969 वर्ग 2, पश्चिमी बंगाल चार्ज।
- शेख अब्दुल्ला, सहायक आयुक्त, निरी- प्राधिकृत प्रति निधि, आय-कर 19-3-1969 अपील अधिकर, मुंबई। क्षण, मुंबई।
- वी० आर० तलवाड़कर, सहायक आयुक्त, निरीक्षण, मुंबई। —यथोक्त— —यथोक्त—

(1)	(2)	(3)	(4)
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4. एस० के० शमा०, सहायक आयुक्त, निरी- प्राधिकृत प्रतिनिधि, आय-कर 24-3-1969
षण, मद्रास । अपील अधिकरण, मद्रास ।

5. एस० आर० वैश्य उप निदेशक, निरी- प्राधिकृत प्रतिनिधि, आय-कर 3-5-1969
क्षण (खुफिया), दिल्ली । अपील अधिकरण, दिल्ली । (अपराह्न)

6. पी० रंगनाथन, आय-कर अधिकारी, कनिष्ठ प्राधिकृत प्रतिनिधि, आय- 9-5-1969
वर्ग- 1, दिल्ली । कर, दिल्ली ।

7. पी० सी० मिश्रा, आय-कर अधिकारी, कनिष्ठ प्राधिकृत प्रतिनिधि, आय- 1-5-1969
वर्ग- 1, अहमदाबाद । कर अपील अधिकरण,
अहमदाबाद ।

8. ए० के० चोष, आय-कर अधिकारी, कनिष्ठ प्राधिकृत प्रतिनिधि, आय- 24-5-1969
वर्ग- 1, बिहार चार्ज । कर अपील अधिकरण, पटना । (अपराह्न)

9. पी० पी० कायस्थ, सहायक आयुक्त, प्राधिकृत प्रतिनिधि, आय-कर 24-7-1969
निरीक्षण, जम्मू । अपील अधिकरण, दिल्ली ।

10. एन० श्रीरामामूर्ति, आय-कर अधि- कनिष्ठ प्राधिकृत प्रतिनिधि, आय- 29-7-1969
कारी, वर्ग- 1 कर अपील अधिकरण,
(सी० बी० डी० टी० अवर सचिव के हैदराबाद ।

रूप में प्रतिनियुक्ति पर से वापस आने पर)

11. एम० एस० मोरे, ए० डी० आई० कनिष्ठ प्राधिकृत प्रतिनिधि, आय- 1-8-1969
(अन्वेषण), दिल्ली । कर अपील अधिकरण, दिल्ली ।

12. टी० एस० कस्तूरी, सहायक आयुक्त, प्राधिकृत प्रतिनिधि, आय-कर 24-3-1969
निरीक्षण, दिल्ली । अपील अधिकरण, दिल्ली/
इन्दौर ।

13. ई० एम० नरायनन, उप्री सहायक प्राधिकृत प्रतिनिधि, आय-कर 11-4-1969
आयुक्त, निरीक्षण, इरनाकुलम् । अपील अधिकरण, कोचीन । (अपराह्न) से
19-4-1969
तक

14. के० जी० नायर, सहायक आयुक्त, प्राधिकृत प्रतिनिधि, आय-कर 19-4-1949
निरीक्षण, इरनाकुलम् । अपील अधिकरण, कोचीन । (अपराह्न) से
12-5-1969
(पूर्वाह्न) तक

15. के० के० गोपालाकृष्णन, आय-कर कनिष्ठ प्राधिकृत प्रतिनिधि, आय- 22-4-1969
अधिकारी, वर्ग- II, इरनाकुलम् । कर अपील अधिकरण, कोचीन । (अपराह्न) से
17-5-1969
तक

(1)

(2)

(3)

(4)

16 पौ० श्रीनिवासन, सहायक आयकर प्राधिकृत प्रतिनिधि, आयकर 27-5-1969
निरीक्षण, अहमदाबाद। अपील अधिकारण, अहमदाबाद से
7-6-1969
तक

[सं० 323]

एम० जी० थामस, अवर सचिव।

(Department of Revenue and Insurance)

INCOME-TAX

New Delhi, the 14th October 1969

S.O. 4351.—In exercise of the powers conferred by sub-clause (iii) of clause (44) of Section 2 of the Income-tax Act, 1961 (43 of 1961) the Central Government hereby authorises Shri K. T. Parmar who is a Gazetted Officer of the Central Government to exercise the powers of a Tax Recovery Officer under the said Act. 2. This Notification shall come into force with effect from 17th October, 1969.

[No. 135 (F. No. 16/149/69-ITCC).]

R. D. SAXENA, Dy. Secy.

(Department of Revenue and Insurance)

New Delhi, the 23rd October 1969

S.O. 4352.—In exercise of the powers conferred by Rule 4 of the Life Insurance Corporation Rules, 1956, the Central Government hereby accepts the resignation of Shri A. Bakshi from the membership of the Life Insurance Corporation of India with immediate effect.

[No. 1(1)-INS.II/68.]

New Delhi, the 27th October 1969

S.O. 4353.—In exercise of the powers conferred by Section 4 of the Life Insurance Corporation Act, 1956 (31 of 1956) the Central Government hereby appoints Shri B. N. Adarkar, Deputy Governor of the Reserve Bank of India to be a member of the Life Insurance Corporation of India up to 31st August, 1970, vice Shri A. Bakshi resigned.

[No. 1(1)-INS.II/68.]

RAJ K. NIGAM, Dy. Secy.

(Department of Revenue and Insurance)

CUSTOMS

New Delhi, the 1st November 1969

S.O. 4354.—In exercise of the powers conferred by sub-section (1) of section 4 of the Customs Act, 1962 (52 of 1962), the Central Government hereby appoints all Superintendents of Central Excise, Class I, in the Central Excise Department, also to exercise the powers and discharge the duties of Assistant Collectors of Customs, within their respective jurisdiction.

[No. 144/F. No. 22/6/69-Cus.IV.]

J. DATTA, Dy. Secy.

(राजस्व और बीमा विभाग)

सीमा शुल्क

नई दिल्ली, 1 नवम्बर, 1969

एस० एम० 4353 :—सीमा शुल्क अधिनियम, 1962 (1962 का 52) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, केन्द्रीय उत्पाद शुल्क विभाग में, केन्द्रीय उत्पाद शुल्क के वर्ग 1 के सभी अधीक्षकों को उनकी अपनी अपनी अधिकारिता के भीतर सीमा शुल्क के सहायक कल्कटरों की शक्तियों का प्रयोग तथा कर्तव्यों का निर्वहन करने के लिये भी एतद्वारा नियुक्त करती है।

[सं० 144/एफ सं० 22/6/69—सी० ए०]

ज्योतिमंय वत्त, उपसचिव।

(Department of Revenue and Insurance)

STAMPS.

New Delhi, the 1st November 1969

S.O. 4356.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits [in addition to the remission of duty made in the notification of the Government of India in the Ministry of Finance (Department of Revenue and Insurance) No. 15/68-F.No. 1/42/68-Cus.VII/Stamps, dated the 14th September, 1968 which was published in Part II, section 3, sub-section (i) in the Gazette of India dated the 14th September, 1968 at pages 2232-2233] the duty with which the bonds to the value of five lakhs and sixty thousand of rupees issued in excess by the Bihar State Financial Corporation are chargeable under the said Act.

[No. 11/69-F.No.1/26/69-Cus. VII/Stamps.]

P. K. KAPOOR, Under Secy.

(राजस्व और बीमा विभाग)

स्टाम्प

नई दिल्ली, 1 नवम्बर, 1969

एस० एम० 4357 :—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के लांड (क) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारत के राजपत्र, तारीख 14 सितम्बर, 1968, भाग 2, खंड 3, उपखंड (1) में पृष्ठ 2232-2233 पर प्रकाशित भारत सरकार के वित्त मंत्रालय (राजस्व और बीमा विभाग) की अधिसूचना संख्या 15/68 एफ० सं० 1/42/68—सी० ए० VII स्टाम्प, तारीख 14 सितम्बर, 1968 में शुल्क से दी गई छूट के अतिरिक्त, एतद्वारा उस शुल्क से छूट देती है, जिससे बिहार राज्य वित्तीय निगम द्वारा आधिकार्य में पुरोधृत पांच लाख और साठ हजार रुपयों के मूल्य के अंधपत्र उक्त अधिनियम के अधीन प्रभार्य हैं।

[सं० 11/69-एफ० सं० 1/26/69—सी० ए० VII/स्टाम्प]

पी० कै० कपूर, अवर सचिव।

CENTRAL BOARD OF DIRECT TAXES

ESTATE DUTY

New Delhi, the 13th October 1969

S.O. 4358.—In exercise of the powers conferred by the second proviso to sub-section (2) of section 4 of the Estate Duty Act, 1953 (34 of 1953) and in supersession of its notification No. 16/F. No. 21/135/66-ED, dated the 31st October 1966 published as S.O. 3397 in Part II, Section 3, sub-section (ii) of the Gazette of India, dated the 12th November, 1966, the Central Board of Direct Taxes hereby directs that every Income-tax Officer appointed to be an Assistant Controller and posted to the Estate Duty Cum Income-tax Circle, Patiala shall perform his functions as Assistant Controller in the said Circle to the exclusion of all other Assistant Controllers in respect of the estates of all deceased persons who, immediately before their death, were being or would have been assessed to Income-tax, had they derived any taxable income in any Income-tax Circle, the headquarters of which lies within the revenue districts of:—

- (i) Jind, Ambala, Rohtak, Mohindergarh, Gurgaon, Hissar and Karnal of the Haryana State.
- (ii) Patiala, Sangrur, Bhatinda, Ferozepur, Ludhiana and Rupnagar of the Punjab State.
- (iii) Simla, Sirmu Mahasu, Bilaspur, Mandi, Kulu and Kinnaur of Himachal Pradesh; and
- (iv) Union Territory of Chandigarh.

This notification shall come into force from the 1st November, 1969.

[No. 29 (F. No. 21/135/66-ED).]

S.O. 4359.—In exercise of the powers conferred by the second proviso to sub-section (2) of Section 4 of the Estate Duty Act, 1953 (34 of 1953) and in supersession of its notification No. 15/F. No. 21/135/66-ED, dated 31st October 1966, published as S.O. 3396 in Part II, Section 3, Sub-section (ii) of the Gazette of India, dated the 12th November, 1966 the Central Board of Direct Taxes hereby directs that every Income-tax Officer appointed to be an Assistant Controller and posted to the Estate Duty cum Income-tax Circle, Jullundur shall perform his functions as Assistant Controller in the said Circle to the exclusion of all other Assistant Controllers in respect of the estates of all deceased persons who, immediately before their death, were being or would have been assessed to Income-tax, had they derived any taxable income in any Income-tax Circle, the headquarters of which lies within the revenue districts of:—

- (i) Amritsar, Jullundur, Hoshiarpur, Gurdaspur and Kapurthala of the Punjab State;
- (ii) Kangra, Chamba, Lahaul and Spiti of Himachal Pradesh; and
- (iii) Srinagar, Baramula, Anantnag, Ladakh, Jammu, Udhampur, Kathua, Poonch and Doda of the State of Jammu and Kashmir.

This notification shall come into force from the 1st November, 1969.

[No. 30 (F. No. 21/135/66-ED).]

A. R. RAO, Under Secy.

CENTRAL BOARD OF EXCISE & CUSTOMS

CUSTOMS

New Delhi, the 1st November 1969

S.O. 4360.—In pursuance of sub-section (1) of section 5 of the Customs Act, 1962 (52 of 1962), the Central Board of Excise and Customs hereby directs that the Superintendents of Central Excise, Class I, in the Central Excise Department, who have been appointed under the notification of the Government of India in the Ministry of Finance (Department of Revenue and Insurance) No. 144-Customs dated the 1st November, 1969, also to exercise the powers and discharge the duties of Assistant Collectors of Customs, shall not, as such Assistant Collectors, exercise

any powers or discharge any duties conferred or imposed on Assistant Collectors of Customs under the said Act other than those under sections 111, 112, 113, 114 and 115, thereof.

[No. 145/F. No. 22/6/69-Cus.IV.]

J. DATTA, Secy.

उत्पाद शुल्क और सीमा शुल्क का केन्द्रीय बोर्ड

सीमा शुल्क

नई दिल्ली, 1 नवम्बर, 1969

एस० ओ० 4361.—सीमा शुल्क अधिनियम, 1962 (1962 का 52) की धारा 5 की उपधारा (i) का प्रान्तुसरण करते हुए, उत्पाद शुल्क और सीमा शुल्क का केन्द्रीय बोर्ड एतद् द्वारा यह निर्देश देता है कि केन्द्रीय उत्पाद शुल्क विभाग में, केन्द्रीय उत्पाद शुल्क के वर्ग 1 के वे अधीक्षक जो भारत सरकार के वित्त मंत्रालय (राजस्व और सीमा विभाग) की अधिसूचना संख्या 144 की सीमा शुल्क तारीख 1 नवम्बर, 1969 के अधीन सीमा शुल्क के सहायक कलक्टरों की शक्तियों का प्रयोग तथा कर्तव्यों का निर्वहन करने के लिए भी नियुक्त किये गये हैं, वे एसे सहायक कलक्टरों की हैं सियत से, उक्त अधिनियम की धारा 111, 112, 113, 114 और 115 के अधीन से विषय अन्य ऐसी किन्हीं शक्तियों का प्रयोग या कर्तव्यों का निर्वहन नहीं करेंगे जो उक्त अधिनियम के अधीन सीमा शुल्क के सहायक कलक्टरों को प्रदत्त या उन पर अधिरोपित हैं।

[सं 145/एफ० सं 22/6/69-सी० श०]

ज्योतिर्मय दत्त, सचिव।

MINISTRY OF EDUCATION AND YOUTH SERVICES

(National Foundation for Teachers' Welfare)

New Delhi, the 17th October 1969

In the matter of the Charitable Endowments Act, 1890.

AND

In the matter of the National Foundation for Teachers' Welfare, New Delhi.

S.O. 4362.—In pursuance of paragraph 3 of Schedule 'B' to the Notification of the Government of India, in the Ministry of Education No. S.O. 1955, dated the 25th June, 1962, as amended by the notification of the Government of India, in the Ministry of Education No. S.O. 1485 dated the 29th April, 1967, and in supersession of the notification of the Government of India, in the Ministry of Education No. S.O. 2726/2727, dated the 3rd August, 1968, as amended from time to time, the following appointments of the Chairman and members of the General Committee of the National Foundation for Teachers' Welfare, are hereby notified:—

Chairman

1. Prof. V. K. R. V. Rao, Minister of Education and Youth Services, Government of India (ex-officio).

Vice-Chairman

2. Shri S. Chakravarty, Secretary to the Government of India, Ministry of Education and Youth Services (ex-officio).

Members

3. Shri Gordhandas R. Chokhawala, Education Minister, Government of Gujarat, Ahmedabad.

4. Shri G. G. Mayekar, Education Minister, Goa, Daman and Diu Administration Panaji (Goa).

5. Dr. D. S. Kothari, Chairman, University Grants Commission, New Delhi.
6. Miss S. Panandikar, 8, Garden Homes, 712, 1st Road, Khar, Bombay.
7. Shri Yash Paul Ghai, Lecturer, Government Higher Secondary School, Jandial, Distt. Ludhiana, Punjab.
8. Shri Ram Nath A. Podar, Chairman, Federation of Indian Chambers of Commerce and Industry, Federation House, Bazar Marg, New Delhi.
9. Dr. (Mrs.) Kapila Vatsyayan, Deputy Educational Adviser, Ministry of Education and Youth Services, Government of India.

Secretary-Treasurer

10. Dr P. D. Shukla, Joint Educational Adviser, Ministry of Education and Youth Services, Government of India.

[No. F. 8-6/69-N. S. 4.]

P. D. SHUKLA,
Joint Educational Adviser.

MINISTRY OF HEALTH, FAMILY PLANNING AND WORKS HOUSING AND URBAN DEVELOPMENT

(Department of Health)

ORDER

New Delhi, the 24th October 1969

S.O. 4363.—Whereas by the notification of the Government of India in the late Ministry of Health No. 17-2/60-MI, dated the 22nd April, 1960, the Central Government has directed that the Medical qualification, M.D. (Pennsylvania-USA) shall be recognised medical qualification for the purposes of the Indian Medical Council Act, 1956 (102 of 1956);

And whereas Dr. Marjorie Gugger who possesses the said qualification is for the time being attached to the Frances Newton Hospital, Ferozepur Cantt. for the purposes of teaching, research and charitable work.

Now, therefore, in pursuance of clause (c) of the proviso to sub-section (1) of section 14 of the said Act, the Central Government hereby specifies—

- (i) a period commencing from the date of publication of this order in the Official Gazette, and ending on the 31st December, 1970, or
- (ii) the period during which Dr. Marjorie Gugger is attached to the said Frances Newton Hospital, Ferozepur Cantt.

whichever is shorter, as the period to which the medical practice by the aforesaid doctor shall be limited.

[No. F. 19-4/69-MPT.]

CORRIGENDUM

New Delhi, the 21st October 1969

S.O. 4364.—In the notification of the Government of India in the late Ministry of Health, Family Planning and Urban Development (Department of Health and Urban Development) No. S.O. 2911, dated the 13th August, 1968, and published in the Gazette of India, Part II, section 3, sub-section (ii) at pages 3910-3911,

for "Punjab University" in page 3911 against the name of Dr. Joginder Singh, read "Punjabi University".

[No. F. 3-3/67-MPT.]

R. MURTHI, Under Secy.

MINISTRY OF FOREIGN TRADE AND SUPPLY

(Department of Foreign Trade)

New Delhi, the 22nd October 1969

S.O. 4365.—In exercise of the powers conferred by sub-clause (i) of clause 5 of the Cotton Textiles (Export Control) Order, 1949, the Central Government hereby makes the following further amendments in the notification of the Government of India in the late Ministry of Commerce and Industry No. S.R.O. 1317, dated the 9th June, 1956, namely:—

In the said notification—

- (a) in item (iv) in paragraph 1, for the figures and letters "14 OZ" the figures and letters "14 Oz/45" shall be substituted;
- (b) in paragraph 3 for item B, the following item shall be substituted, namely:—

"B. Bales over 204 kgs. (450 lbs.) gross weight; Hoops used shall be minimum 5/8" of 20s gauge.

NOTE.—Steel hoops should be maintained uniformly at 5/8" of 20s gauge for all types of bales. However, instead of 5/8" width of 20s gauge, hoops of 1/2" width of 16s gauge may also be used so that the overall strength does not suffer."

- (c) In paragraph 5, for Note II the following note shall be substituted, namely:—

"Note II.—In the case of parallel hooped, bales containing running length pieces with hoops running at right angles to the length of the bale, the maximum spacing between two adjacent hoops shall not be more than 13 cms.

In the case of cross hooped bales containing short length pieces such as dhoties, sarees, chaddars, bed sheets, pillow covers in which hoops are used both at right angles to the length as well as the width of the bale, the spacing of adjacent hoops shall be as follows:

(I) at right angles to the length of the bale	Not more than 13 cms.
(II) at right angles to the width of the bale	Not more than 25 cms."

[No. 9(42) Tex(I)/68.]

DAULAT RAM, Under Secy.

विदेशी व्यापार तथा आयुर्वि मंत्रालय

(विदेशी व्यापार विभाग)

नई दिल्ली, 22 अक्टूबर 1969

एस० ओ० 4366:—सूनी वस्त्र (निर्यात नियंत्रण) आदेश, 1949 के खंड 5 के उपखंड (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्रीय सरकार भारत सरकार के भूतपूर्व वाणिज्य तथा उद्योग मंत्रालय की अधिसूचना सं० सा० नि० आ० 1317 तारीख 9 जून, 1956 में एतद्वारा निम्नलिखित अतिरिक्त संशोधन करनी है, अर्थात् :—

उक्त अधिसूचना में, —

- (क) पैरा 1 की मदा (i) में प्रंक और शब्द "14 ओंस" के लिए प्रंक और शब्द "14 ओंस / 45" प्रतिस्थापित किये जायेंगे ;
- (ब) पैरा 3 में मद ख के लिये निम्नलिखित मद प्रतिस्थापित की जाएगी, अर्थात्—
"ख. 204 किलोग्राम (450 पौंड) के कुल वजन से अधिक की गांठें, प्रयोग में लाई गई परिमार्या 20 एस गेज की कम से कम 5/8" की होंगी।

टिप्पणी:—सभी प्रकार की गांठों के लिए 20 एस गेज वाली 5/8" की इस्पात की पत्तियों का प्रयोग समान रूप से होना चाहिए। किन्तु 20 एस गेज वाली 5/8" चौड़ी पत्तियों के बजाय 16 एस गेज वाली 1/2" चौड़ी पत्तियों का भी प्रयोग ऐसे किया जा सकता है कि कुल मजबूती को हानि न पहुंचे।"

(ग) पैरा 5 में, टिप्पण 2 के लिए निम्नलिखित टिप्पण प्रतिस्थापित किया जाएगा, अर्थात्—

“टिप्पणी:—2 समानान्तर पत्तियों वाली गांठों की दशा में, अर्थात् ऐसी गांठों की दशा में जिनमें थान हों और पत्तियों गांठ की लम्बाई के समकोण बनानी हो, पास पास की दो पत्तियों के बीच का अधिकतम अन्तर 13 सेंटीमीटर से अधिक नहीं होगा।

एक दूसरे को काटनी हुई पत्तियों वाली गांठों की दशा में जिन में कम सम्भाई वाले टकड़े हों जैसे धोतियां, साड़ियां, चूदरें, पलंग की चूदरें, तकियों के गिलाफ आदि, जिनमें पत्तियों का प्रयोग गांठ की लम्बाई और चौड़ाई दोनों में ही समकोण में किया गया हो, पास पास की पत्तियों के बीच का अन्तर निम्नलिखित होगा :—

(i) गांठ की लम्बाई में समकोण पर	13 सेंटीमीटर से अधिक
(ii) गांठ की चौड़ाई में समकोण पर	25 सेंटीमीटर से अधिक

[सं० ९ (42) ईक्स (I)/68.]

दीलत राम, अवर सचिव।

(Office of the Chief Controller of Imports and Exports)

ORDER

New Delhi, the 16th October 1969

S.O. 4367.—Messrs Hindustan Boilers, 21, Hainan Street Bombay-1, were granted licence No. P/D/2170161/S/GN/31/H/27-28, dated 18th June, 1969 from West Germany for import of Raw materials/components/steel items as per list attached valued at Rs. 2,00,000/- only. It was subsequently decided that they may be granted two licences from different sources and the licence No. P/D/2170161 dated 13th June, 1969 already granted may be cancelled. It has however been reported by the firm that the Customs as well as Exchange control copy of licence No. P/D/2170161, dated 18th June, 1969 has been misplaced and are lost. It has been further reported by the licensee that the licence was lost without its being utilised. The licence has not been registered with Collector of Customs, Bombay.

In support of their contention the applicant have filed an affidavit. The undersigned is satisfied that the original Customs and Exchange control copy of the licence No. P/D/2170161, dated 18th June, 1969 has been lost and directs that two fresh licences as above should be issued to them. The original Customs and Exchange control copies are cancelled.

[No. Mach.H(22)/AMC/RM4.]

G. S. SHARMA,

Deputy Chief Controller of Imports & Exports.

DEPARTMENT OF COMMUNICATIONS

(Posts and Telegraphs Board)

New Delhi, the 18th October 1969

S.O. 4368.—In exercise of the powers conferred by sections 42 and 74 of the Indian Post Office Act, 1898 (6 of 1898) the Central Government hereby makes the following rules further to amend the Indian Post Office Rules, 1933, namely:—

1. These rules may be called the Indian Post Office (Eleventh Amendment) Rules, 1969.

2. In sub-rule (1) of rule 215 of the Indian Post Office Rules, 1933, in clause (a), for the words and figures "the 1st March, 1968", the words and figures "the 1st October, 1969" shall be substituted.

[No. 20/3/69-CF.]

MADAN KISHORE,
Member (Banking and Insurance)

संचार विभाग

(डाक तार बोर्ड)

नई दिल्ली, 18 अक्टूबर, 1969

का० ४३६९ :— भारतीय डाकघर अधिनियम, 1898 (1898 का 6) की धारा 42 और 74 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्रीय सरकार भारतीय डाकघर नियम, 1933 में और आगे संशोधन करने के लिए एतद्वारा निम्नलिखित नियम बनाती है, प्रथम—

1. ये नियम भारतीय डाकघर (भारतवास संशोधन) नियम, 1969 के जा सकेंगे।
2. भारतीय डाकघर नियम, 1933 के नियम 215 के उपनियम (1) के खंड (क) में "1 मार्च, 1968" शब्द और इसकों के स्थान पर '1 अक्टूबर, 1969' शब्द प्रतिस्थापित किए जाएंगे।

[सं० 20/3/69-सी०एफ०]

मदन किशोर,
सदस्य (बैंककारी और बीमा)।

MINISTRY OF SHIPPING AND TRANSPORT

(Transport Wing)

New Delhi, the 21st October 1969

S.O. 4370.—In exercise of the powers conferred by sub-section (1) of section 63A of the Motor Vehicles Act, 1939 (4 of 1939), the Central Government hereby appoints Shri V. C. Rajagopal, Joint Director, Traffic (Rates), Ministry of Railways (Railway Board), as Member of the Inter-State Transport Commission in place of Shri V. B. Ahuja, and makes the following amendment in the notification of the Government of India in the Ministry of Shipping and Transport (Transport Wing) No. 23-T(11)/67, dated the 11th April, 1969, namely:—

In the said notification, for item (2), the following item shall be substituted, namely:—

"(2) Shri V. C. Rajagopal, Joint Director, Traffic (Rates) Ministry of Railways, (Railway Board)—Member."

[No. 23-T(10)/69.]

B. M. MAZUMDAR, Under Secy.

जहाजरानी और परिवहन मंत्रालय

(परिवहन संघ)

नई दिल्ली, 21 अक्टूबर, 1969

एस० ओ० 4371.—मोटररायन अधिनियम, 1969 (1939 का 4) की धारा 63के को उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतदद्वारा श्री वी० वी० अहूजा के स्थान पर, श्री वी० सी० राजागोपाल संयुक्त निवेशक, ट्रैफिक (दरें), रेल मंत्रालय (रेलबोर्ड), को अन्तर्राज्यीय परिवहन आयोग के सदस्य के रूप में नियुक्त करनी है, तथा भारत सरकार के जहाजरानी और परिवहन मंत्रालय (परिवहन संघ) की अधिसूचना सं० 23-टी (11)/67, तारीख 11 अप्रैल, 1969 में निम्नलिखित संशोधन करनी है, प्रथमिः—

उक्त अधिसूचना में, मद (2) के स्थान पर निम्नलिखित पद प्रतिस्थापित की जाएगी, प्रथम :-

“ (2) श्री वी०सी०राजागोपाल,
संयुक्त निदेशक, ट्रैफिक (दरें),
रेल संचालय
(रेल बोर्ड) सदस्य ”

[सं० २३-टी (१०)/६९]

वी० एम० मजूमदार, श्रवर सचिव ।

(Transport Wing)

New Delhi, the 23rd October 1969

S.O. 4372.—In pursuance of sub-section (3) of section 4 of the Seamen's Provident Fund Act, 1966 (4 of 1966), read with paragraph 44 of the Seamen's Provident Fund Scheme, 1966, and in continuation of the notification of the Government of India, in the late Ministry of Transport and Shipping (Transport Wing) No. S.O. 92, dated the 30th December, 1968, the Central Government hereby directs that accumulations out of provident fund contributions, interest and other receipts as reduced by obligatory outgoings, shall be invested in accordance with the following pattern, namely:—

For the period from 1st April, 1969 to 31st October, 1969.

- (i) in securities created and issued by State Government and other securities guaranteed by the Central or the State Government not exceeding 35 per cent.
- (ii) in Central Government securities including any savings or other certificates issued by the Central Government the balance.

For the period from 1st November, 1969 to 31st March, 1970.

(I) Not less than 50 per cent. in Central Government securities, and
(II) the balance in securities created and issued by State Governments, Small Savings and other securities guaranteed by the Central or State Governments.

2. All reinvestment of provident fund accumulations (whether invested in securities created and issued by the Central Government or in savings certificates-

issued by the Central Government or in securities created and issued by a State Government) shall also be made according to the pattern mentioned in the first paragraph

[No. 5-MT(3)/67.]

J. K. BHATTACHARYA, Dy. Secy.

MINISTRY OF INDUSTRIAL DEVELOPMENT, INTERNAL TRADE AND COMPANY AFFAIRS

(Department of Industrial Development)

New Delhi, the 22nd March 1969

S.O. 4373.—Whereas the Central Government has, as required by sub-section (2) of Section 78C of the Indian Patents and Designs Act, 1911 (2 of 1911), reconsidered the question whether the directions (hereinafter referred to as the said directions) issued under rule 47 of the Defence of India Rules, 1962, along with the order of the Government of India in the late Ministry of Commerce and Industry No. 16(21)-TMP/62, dated the 18th May, 1963 and the order of that Government in the late Ministry of Industry and Supply No. 27(2)-TMP/64, dated the 22nd August, 1964 and continued in force by sub-section (4) of the said section 78C as directions deemed to have been issued under sub-section (1) of that section, continue to be necessary or expedient in the public interest;

And whereas on such reconsideration it appears to the Central Government that it would be necessary in the public interest to continue the said directions;

Now, therefore, in pursuance of sub-section (3) of the said section 78C, the Central Government hereby notifies that it is necessary in the public interest to continue the said directions.

[No. 31(3)-PP&D/68.]

HARGUNDAS, Under Secy.

(Department of Industrial Development)

ORDERS

New Delhi, the 16th October 1969

S.O. 4374/IRDA/6/16.—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), read with rule 5(I) of the Development Council (Procedural) Rules, 1952, the Central Government hereby makes the following amendment to Order S.O. No. 2397-IDRA/6/16, dated the 16th July, 1968.

(1) *Against S. No. 15 of the said Order:*

For

Shri O. P. Dhanda, Dhanda Engineers Private Ltd., Industrial Area, Faridabad, (Haryana).

Read

Shri R. K. Gejji, Director, Central Machine Tool Institute, Bangalore.

(2) *Against S. No. 22 of the said Order:*

For

Shri R. K. Gejji, Industrial Adviser, DGTD, Udyog Bhavan, New Delhi.

Read

Shri Gurbaksh Singh, Industrial Adviser, DGTD, Udyog Bhavan, New Delhi.

[No. F. 4-35/67-MT.]

New Delhi, the 17th October 1969

S.O. 4375.—In pursuance of sub-clause (2) of Clause 9 of the Motor-cars (Distribution & Sale) Control Order, 1959, the Central Government hereby specifies Shri P. C. Banerjee, I.A.S., Director, Public Vehicles Department, Govt. of West Bengal, Calcutta, as the authority before whom the books, accounts and records of every manufacturer and every dealer under the said Order in the State of West Bengal shall be produced for inspection.

This supersedes this Ministry's Order No. 8(39)/68-AE(I), dated the 7th January, 1969.

[No. 8(30)/68-AEInd-II.]

R. V. SUBRAMANIAN, Jt. Secy.

श्रीयोगिक विकास, आन्तरिक व्यापार तथा समवाय-कार्य मंत्रालय
(श्रीयोगिक विकास विभाग)

आदेश

नई दिल्ली 16 अक्टूबर, 1969

एस० ओ० 4376/आई० डी० आर० ए०/6/16,—उद्योग (विकास तथा विनियमन) प्रधिनियम, 1951 (1951 का 65) की धारा 6 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए विकास परिषदें (कायविधि) नियम, 1952 के नियम 5 (1) को साथ पढ़ते हुए केन्द्रीय सरकार एतद्वारा आदेश संक्षेप एस० ओ० 2397—आई० डी० आर० ए०/6/16 दिनांक 16 जुलाई, 1968 में निम्नलिखित संशोधन करनी है :

(1) उपर्युक्त आदेश के कम सं० 15 के सामने

श्री ओ० पी० ठांडा,
ठांडा इन्जीनियर्स प्रा० लि०
इण्डस्ट्रियल एरिया,
फरीदाबाद (हरियाणा)।
श्री आर० के० गेज्जी,
निदेशक, केन्द्रीय मशीन श्रीजार संस्थान,
बगलौर पढ़ा जाए।

के स्थान पर

(2) उपर्युक्त आदेश के कम सं० 22 के सामने

श्री आर० के० गेज्जी,
श्रीयोगिक सलाहकार, तकनीकी विकास का महानिदेशालय,
उद्योग भवन, नई दिल्ली के स्थान पर
श्री गुरुबक्ष सिंह,
श्रीयोगिक सलाहकार,
तकनीकी विकास का महानिदेशालय
उद्योग भवन, नई दिल्ली। पढ़ा जाए।

[सं० एफ० 4-35/67-एम० टी०]

आर० ओ० सुश्रृङ्खला, संयुक्त सचिव।

(Department of Industrial Development)

New Delhi, the 21st October 1969

S.O. 4377.—In partial modification of the Department of Industrial Development notification No. S.O. 2182, dated 6 June 1968, published in the Gazette of India, Part II, Section 3(ii) dated 22 June 1968, the Indian Standards Institution hereby notifies that the rate of marking fee per unit for grey cotton duck, referred to under Column (5) against item 2 of the Schedule thereof, should be amended to read as—‘1 Palsa’ in place of ‘0.1 Paisa’ and further, with effect from 1 July 1969, the fee has been revised as mentioned in the Schedule given below:

SCHEDULE

Sl. No.	Product/Class of Product	No. and Title of Relevant Indian Standard	Unit	Marking Fee per Unit
1.	Grey Cotton duck	IS 1422-1959 Specification for cotton duck secured dyed or water-proofed.	One square metre	1 Paisa per unit for the first 200,000 units 0.5 paisa per unit for the next 600,000 units & 0.1 paisa per unit for the 800,000 1st unit and above.

[No. CMD/13:10.]

A. K. GUPTA,
Dy. Director General.

MINISTRY OF LABOUR, EMPLOYMENT & REHABILITATION

(Department of Labour & Employment)

New Delhi, the 17th October 1969

S.O. 4378.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the National Industrial Tribunal, Dhanbad in the industrial dispute between the employers in relation to the Air India, Bombay and their workmen, which was received by the Central Government on the 13th October, 1969.

BEFORE THE NATIONAL INDUSTRIAL TRIBUNAL AT DHANBAD

REFERENCE NO. NT. 2 OF 1968

In the matter of a reference under section 7B and sub-section (1A), (2) and (5) of Section 10 of the Industrial Disputes Act, 1947.

PARTIES:

Employers in relation to the Air India, Bombay, and their Workmen as represented by the Air Corporation Employees' Union; Air India Inspectors' Association and Indian Aircraft Technicians' Association.

PRESENT:

Shri Kamla Sahai.—Presiding Officer.

For the Employer.—Shri S. D. Vimadalal, Barrister-at-Law with him,
Shri S. K. Wadia, Solicitor, S. K. Nanda, Chief Personnel Manager and P. V. Bhagwat, Asstt., Personnel Officer.

For the Workmen.—Shri D. H. Buch, Advocate, with him, Shri P. Shanmugan, General Secretary.

On behalf of Air India Inspector's Association.

Shri D. H. Buch, Advocate, with him,
Shri S. K. Roychowdhury,
Shri P. K. Majumdar,
Shri V. M. Fernandes,
Shri N. C. Mukherjee,
Shri J. E. Macaaze,
Shri S. V. Nevre and
Shri M. M. Ojha,

On behalf of Air Corporation Employees' Union.

Shri H. K. Sohoni, Advocate, with him,
Shri K. B. Rao, President,
Shri F. X. Fernandes, Regional Secretary,
Shri F. Mendonsa, Vice-President,
Shri H. K. Ghosh, General Secretary.

On behalf of Indian Aircraft Technicians' Association.

INDUSTRY: Airlines.

Dhanbad, dated the 4th October, 1969

AWARD

The Central Government constituted a National Industrial Tribunal and appointed Shri G. D. Khosla, Retired Chief Justice of Punjab High Court, as its Presiding Officer by notification No. S.O. 2560 dated the 25th July, 1964. On the same date, it referred the dispute between the Air India and its employees with regard to 57 items to that Tribunal under its order No. S.O. 2561. Almost all the matters in dispute were amicably settled between the parties but differences remained relating to four matters. Shri Khosla decided the disputes relating to these four points of difference by a final award dated the 28th January, 1966. This award, incorporating the earlier awards based on the agreements between the parties, was published in the Gazette of India extraordinary dated the 21st February, 1966. There was subsequently another agreement between the Air India and the Air Corporation Employees' Union (A.C.E.U. for short), Air India Region. This memorandum of settlement was signed between the parties on the 22nd July, 1966.

2. A large number of parties appeared in this reference originally and claimed that they were entitled to be represented and heard in this case. It seems that the employees of Air India as well as the Airlines Corporation have similar unions with the same names. The Airlines Corporation as well as the unions of employees of that Corporation also appeared. I heard arguments of different parties with regard to the question as to which parties were entitled to be represented in this case. By my order dated the 12th February, 1969, I held that the inclusion of Airlines Corporation and its employees in the present reference was invalid. After stating that the A.C.E.U. (Air India Region) represented 21 categories or grades of workmen of Air India at the time of the award by Shri Khosla and that those grades were Grade Nos. 1 to 20 and 23, I held by the same order that the A.C.E.U., and all categories of workmen represented by it at the time of Shri Khosla's award and the subsequent agreement dated the 22nd July, 1966, were entitled to be represented and heard in this reference. I further held that all other unions and categories of workmen of the two corporations were summoned in this case without proper cause and they were not entitled to be represented in it.

3. I come now to the present reference. The Central Government, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) has, by its order No. 4/170/67-LRIII dated the 6th June, 1968, made this reference to the National Industrial Tribunal at Dhanbad with me as the Presiding Officer. The schedule describes the dispute referred to the Tribunal as follows:

SCHEDULE

"Whether, having regard to the Award of the National Industrial Tribunal presided over by Shri G. D. Khosla and published in the Gazette of India Extraordinary, dated the 21st February, 1966, and the Memorandum of Settlement reached subsequently on the 22nd July, 1966, between the Management of Air-India and the Air Corporation Employees' Union, any readjustment in the quantum of Dearness Allowance is justified? if so, on what basis, to what extent and from what date".

4. The employees of Air India belonging to different categories have been represented in this reference by three unions. These three unions are Air Corporation Employees Union (A.C.E.U.)—Air India Region, Air-India Inspectors' Association and Indian Aircraft Technicians' Association (shortly called IATA). Shri D. H. Buch, Advocate, has appeared before me on behalf of the A.C.E.U. and Air India Inspectors Association. Shri H. K. Sohoni, Advocate, has appeared before me on behalf of the Indian Aircraft Technicians Association. Shri S. D. Vimadalal, Barrister-at-Law, Shri S. K. Wadia, Solicitor and others, have appeared on behalf of the Air India Corporation.

5. Each of the three unions mentioned above has filed one statement of claim. The Air India Corporation (hereinafter referred to as the Corporation) has filed three written statements, one in reply to each of the statements of claim.

6. The allegations made by the A.C.E.U., in its statement of claim dated the 14th August, 1968, is in substance as follows. This union represents all the workmen of the Air-India Corporation besides the Airlines Corporation of various categories, drawing basic salary upto Rs. 920. The reference to this Tribunal is whether, having regard to Shri Khosla's award and the Memorandum of Settlement, any readjustment in the quantum of dearness allowance is justified and, if so, on what basis, to what extent and from what date. This has been sought to be made clear by saying in paragraph 3 that this Tribunal will have to consider the following questions:—

- "(a) What is the award of the National Industrial Tribunal presided over by Shri G. D. Khosla with reference to the dearness allowance".
- "(b) Whether having regard to what is awarded by Shri Khosla in his award on dearness allowance is any revision in the dearness allowance necessary".
- "(c) If so, on what basis the revision in the dearness allowance should be made".
- "(d) If so, to what extent the revision should be made in the dearness allowance and from what date the revised dearness allowance should take effect".

7. The statement of claim then proceeds to give the history of dearness allowance as it prevailed in the time of Air-India and Tata Sons. After saying that the lowest paid unskilled worker employed by Air India was paid Rs. 39 (basic) plus Rs. 53 (dearness allowance) on the 1st August, 1953, when the cost of living index number for Bombay was 363, the statement of claim says that there was an increase of only Rs. 5 in dearness allowance in 1958 which continued until the 31st December, 1958. Further allegations are that the total salary was increased in May, 1960, from Rs. 58 to Rs. 123 which continued until the 1st January, 1964, when an Interim Relief of Rs. 15 was granted. The dearness allowance of Rs. 73 together with the Interim Relief of Rs. 15 per month continued until July, 1964, when the cost of living index was 526. Shri Khosla made his award in February, 1966, when the cost of living index was 608. He awarded a basic wage of Rs. 100 plus a dearness allowance of Rs. 65 with effect from July, 1964. In fixing the dearness allowance at Rs. 100 plus Rs. 65, Shri Khosla had in mind the cost of living index in July, 1964. Some passages of Shri Khosla's award have then been quoted.

8. The statement of claim then goes on to say that Shri Khosla raised the total emoluments of the lowest paid worker of Air India from Rs. 123 in May, 1960, to Rs. 165 in July, 1964, when the consumer price index stood at 526 i.e. he gave an increase of Rs. 42 for rise in the consumer price index of 105 points. It would thus appear that, on the principle accepted by Shri Khosla in the award given by him, the workmen are entitled to dearness allowance and total emoluments consisting of basic pay and allowance at a figure not less than Rs. 261

when the cost of living index stands at 741 points. It has further been said that "having regard to the period for which the award ordinarily remains in force, Shri Khosla had assumed that Rs. 100 plus Rs. 65 should be able to take care of the rise in prices. It is, however, found that the said total emoluments have not been able to take care of the rise in the prices". The rise of dearness allowance should take effect from July, 1964. The dearness allowance should be fixed on the basis of the index in June, 1968, based on Bombay cost of living index (1934-100) or its equivalent new series indicated by the Maharashtra Government Labour Gazette.

9. It has stated further that the Air India has the financial capacity to pay.

10. The allegations of the Indian Aircraft Technicians' Association (IATA) substantially is as follows. It claims to represent 90 per cent of the employees employed in the categories of Aircraft Technicians in Air India as well as in Indian Airlines. During the proceedings before the National Industrial Tribunal presided over by Shri G. D. Khosla, the categories of Aircraft Technicians were represented by party No. 2 namely the Air India Employees' Union, Bombay. The IATA had no opportunity to submit its views before the said National Industrial Tribunal as the Association was formed on the 4th September, 1961.

11. This Association has shown a more realistic appreciation of the scope of the present reference by saying that "taking into consideration the terms of the reference to this Hon'ble National Tribunal, it appears that a fresh examination of the entire question of dearness allowance in all its aspects might not be permissible. The reference restricts the scope of the enquiry to the readjustments in the quantum of dearness allowance having regard to the award of Mr. Justice G. D. Khosla and also having regard to the memorandum of settlement reached subsequently between the Management of Air India and the Air Corporation Employees' Union It was urgently necessary to examine the whole question of dearness allowance on scientific basis and considering all aspects of the said question, proper scales of dearness allowance should have been fixed which would provide for automatic increase in dearness allowance consequent upon the rise in the cost of living". The IATA proceeds to say in its statement of claim that the rates of dearness allowance have been fixed by Shri Khosla and it varies between Rs. 65 to Rs. 100. It then says, "this dearness allowance is static and fixed dearness allowance and does not vary with the rise or fall in the cost of living index If, therefore, the dearness allowance is to serve the object for which it is devised it must vary according to the decisions of the Supreme Court in the case of workmen of Hindustan Motors versus Hindustan Motors, 1962, (II LLJ 352, the case of Hindustan Times Ltd., versus their workmen, 1963, (I) LLJ 108 and the case of All India Reserve Bank Employees' Association, 1965, (II) LLJ 175 and has criticised Shri Khosla for not having kept in view the principles laid down in the last case. The Association has further submitted in its statement of claim that the "Khosla Tribunal has failed to appreciate and in fact it has not shown any indication that it has really understood the meaning and purport of 'fair wage' and 'living wage'". The Association has also said that the observation made by Shri Khosla's Tribunal was nothing but perverse and that "they show an immense lack of understanding and appreciation of the meaning and purport of 'fair wage' and 'living wage'" In observing that he has made ample allowance for further increases in the cost of living index while leaving the dearness allowance fixed and static, the Tribunal had been rather perverse. To this, the Association has added that, "If the intention of the Khosla Tribunal was to provide for compensation in the rise in the cost of living, the same should be done by this Honourable Tribunal". I may stress that this suggestion shows the fact that the Association is not certain as to the fact that the intention of Khosla Tribunal was to provide for compensation but it has merely put this suggestion as a possible intention of Shri Khosla.

12. In paragraph 7. the Association has reiterated, "the effect of rise in prices can be considered only when prices move above that basic specific cost of living index. Under the terms of reference, however, this may not be permissible and therefore the I.A.T.A. does not propose to follow this line. The Khosla award will expire by the end of this year and immediately on its expiry the I.A.T.A. proposes to put fresh proposals before the Management of the Air India as well as Indian Airlines for putting the wage scales and dearness allowance on sound and scientific basis".

13. The Association has further suggested in paragraph 8 of its statement of claim that, for the purpose of readjustment in the quantum of dearness allowance,

"the average consumer price index number in the year 1964 should be taken as the base with reference to which the Khosla Tribunal has fixed the basic wage scale and dearness allowance. The said number is 326. By its letter dated the 31st August, 1967, addressed to the General Manager, Air India,.....the I.A.T.A. had made a demand that for every rise of 10 points over the basic index of 316 an additional dearness allowance of Rs. 5/- per month should be granted to each employee".

14. According to this Association, the additional burden on each of the two corporations would be Rs. 110/- per month and the corporations are financially sound enough to bear this burden. The statement of claim has been concluded with the submission that the demands made by the I.A.T.A. in its letter dated the 31st August, 1961 should be granted by this Tribunal with effect from the 1st January, 1964.

15. In its statement of claim dated the 22nd August, 1968, the Air India Inspectors' Association has stated in substance that Shri Khosla fixed the emoluments at Rs. 165/- (Rs. 100/- as basic and Rs. 65/- as dearness allowance) as against the total emoluments of Rs. 123/- fixed in May, 1960. Thus Shri Khosla gave an increase of Rs. 42/- when the rise in the consumer price index was that of 105. On that basis, the minimum dearness allowance which should be allowed in June, 1968 with the index figure at 751 should be Rs. 151.00. The revised dearness allowance should be fixed at the index in June, 1968 with $1933-34 = 100$ i.e. Bombay with a provision for increase or decrease in the dearness allowance on point to point basis.

16. Shri Khosla assumed that his award would adequately compensate the employees for past losses on account of inadequate dearness allowance paid to the workmen. He perhaps thought that prices would stabilise. All the workmen should, on the basis of the award, be given a rise in the dearness allowance equal to the percentage of rise in the Bombay working consumer price index added to their existing dearness allowance retrospectively from July, 1964 until the award is made. It has also submitted that the Corporation has the financial capacity to bear the burden of paying increased dearness allowance.

17. The first of the three written statements filed by the Air India Corporation is dated the 25th October, 1968. In all the three written statements, the corporation has stressed the submission that the scope of the reference is strictly limited inasmuch as all that has to be considered is the question of re-adjustment, if any, in the quantum of dearness allowance, keeping in view, and having regard to, the provisions of the award of Shri Khosla, published in the gazette of India extraordinary on the 21st February, 1966 read with the memorandum of settlement dated the 22nd July, 1966 between the Corporation and the Air Corporation Employees' Union. The Corporation's case is that, in other words, the question has to be considered within the ambit of the findings of and the principles laid down by the Khosla Tribunal. It has reiterated in all the three written statements the words of paragraph 40 of chapter VII of the Khosla award, which it has quoted.

18. It says that it recognises the union known as Air Corporation Employees Union (ACEU) but says that it does not now represent some of the categories of employees whom it represented at the time of the Khosla award. In paragraphs 6 & 7 of the written statement dated the 25th October, 1968, the Corporation has stated that it does not accept the construction put upon the order of reference in paragraph 3 of the statement of claim of the ACEU and, in particular, it does not accept what is stated in sub-paragraphs a, b, c and d of paragraph 3 thereof. The scope of the reference to this Tribunal is strictly restricted in-as-much as all that has to be considered is the question of readjustment in the quantum of dearness allowance. All that the Khosla Award does is to establish a structure of dearness allowance varying between a minimum of Rs. 65/- and maximum of Rs. 100/- without any linkage whatsoever with any cost of living index. The order of reference to this Tribunal does not raise a question of readjustment or revision of the pattern or scheme of dearness allowance. Any reference to the previous history of dearness allowance in Air India is irrelevant. It may further be noted that even the agreement reached between the Corporation and the ACEU did not provide for any linkage between the cost of living index and the dearness allowance. Various extracts from the award of Shri Khosla have been quoted in the statement of claim out of context; and other portions of the award, though more relevant have been omitted. It is true that one of the factors taken into consideration by Shri Khosla in giving an increase in basic salary and dearness

allowance was an increase in the cost of living index as reflected by the Bombay cost of living index number but Shri Khosla has not accepted the principles of full neutralisation as is clear *inter-alia* from paragraphs 3.29 and 4.1, of Chapter V of the Award. If the ACEU had come to the conclusion that the quantum of dearness allowance allowed under Shri Khosla's award was inadequate, the only concrete and legally valid step which should have been taken by it was to terminate the said award and the settlement by a notice as provided under the Industrial Disputes Act. It has not done this but has chosen other and wrong methods to achieve its purpose.

19. Shri Khosla considered various aspects of the matter before arriving at his conclusions. This is clear from what he has stated in paragraph 1 of chapter VII of the award, which is as follows:—

"I shall first deal with Item 1—Scales and grades of pay and Item 4—Dearness allowance, which are at once the most important and the most difficult matters falling for my adjudication. The demands made by the various parties under these two heads are very far-reaching and they have engaged my most anxious and careful consideration. I have been at pains to study the existing position, the present requirements of the workmen as affected by the rise in prices since the prevailing pay scales were fixed in 1960 and the financial capacity of the Corporation. I have endeavoured to examine the demands of the workmen in the various grades of pay and relate these demands to their genuine needs, their desire to share in what has been called the progress and prosperity of the Corporation, and also to the economy of the country from which the economy of the Corporation cannot be divorced if a realistic image of the industry's future is to be evoked".

20. The Corporation denies that the quantum of dearness allowance needs revision and submits that any claim for higher total emoluments must be placed before some other and proper forum but, in no case, can the claim be entertained by this Hon'ble Tribunal whose terms of reference are strictly circumscribed as stated earlier. The Corporation further records its serious objection to any reference or reliance being allowed to be made to emoluments prevailing in other industries or concerns. It says, however, that, without prejudice to the aforesaid submissions, if this Honourable Tribunal comes to the conclusion that some relief is due to workmen ex-gratia, the only date from which it could be made effective would be 1st March, 1969, i.e. after the expiry of the Award and the Memorandum of Settlement.

21. The additional facts which the Corporation has stated in its second written statement dated the 31st December, 1968 are as follows.

"In fixing the Dearness Allowance the Khosla Tribunal took into consideration not only the increased cost of living, but fixed the basic pay and Dearness Allowance in such a manner as to make ample allowance for further increase in the cost of living index". "This Tribunal is prevented from examining at large all aspects of the question of the Dearness Allowance except to the limited extent set out earlier". "This is not the forum for canvassing any submissions regarding any alleged injustice (which is denied) caused by the terms of the Reference". The Association (meaning the I.A.T.A.) has rightly averred that the rates of Dearness Allowance awarded by the Khosla Tribunal vary from Rs. 65/- to Rs. 100/- and that they are static and fixed and are incapable of any variation with rise or fall in the cost of living index. The rulings of the Supreme Court cannot now be considered afresh as the issue before the Hon'ble Tribunal is not related to any determination of Dearness Allowance *de novo* either on the basis of the rulings of the Supreme Court or by applying any other principle of fixation of wages or dearness allowance.

22. The Association has attempted to frame an entirely new demand before this Hon'ble Tribunal when it says "it is urgently necessary to fix Dearness Allowance on a sliding scale so that it may rise or fall according to the rise or fall in the cost of living index". The Corporation submits that this Tribunal has no jurisdiction under the reference order to attempt any such task. The Association has correctly appreciated the limited scope of the reference in saying that this Tribunal cannot enter upon the question of fixation of wage scales or Dearness Allowance on the lines suggested and that the demand made by it in paragraph 6 of its statement of claim can be taken up only on the expiry of Shri Khosla's award. The demands of the Association are extravagant and unreal.

Even assuming that there is some justification in the demands of the I.A.T.A., it would require separate action after expiration of the force of Shri Khosla's award and the settlement dated the 22nd July, 1966 and cannot be the subject matter of an enquiry in this reference.

23. The additional allegations in the third written statement of the Corporation in reply to the statement of claim of Air India Inspectors' Association which is also dated the 31st December, 1968, may be summarised shortly. It is submitted that this Tribunal cannot and should not make any readjustment in the Dearness Allowance which would be contrary to the very premise on the basis of which the Khosla Tribunal has fixed the Dearness Allowance, specially in the light of the terms of the Order of Reference. The management does not recognise the Air India Inspectors' Association. The Corporation denies that the increase in the total minimum emoluments between May, 1960 and July, 1964 as awarded by the Khosla Tribunal was exclusively in relation to the rise in the cost of living index number. A number of considerations have weighed with the said Tribunal as is clear from paragraph 1 of Chapter VII of the Award. The Corporation further denies that it is necessary and/or just that the Dearness Allowance should be revised or that there is any case for revising or adjusting the Dearness Allowance on the basis of the Bombay cost of living index. Apart from the fact that this Tribunal has no jurisdiction in this reference to give any rise or make any readjustment in the Dearness Allowance on the basis of Bombay consumer price index number, the Association has not made out any case for the same. The Corporation further denies that it has the financial capacity to pay dearness allowance on the basis claimed by the Association. Shri Khosla has not linked Dearness Allowance with the cost of living index and it was to remain static during the continuance of his award.

24. The most important point that has to be considered in this case is the scope of the reference. Shri D. H. Buch, Advocate, has stated—and quite rightly—that the three main documents which require consideration in this case are (i) award of Shri Khosla which was published in the Gazette dated the 21st February, 1966; (ii) the agreement between the Air India and A.C.E.U. dated the 22nd July, 1966; and (iii) the order of reference in the present case which is dated the 6th June, 1968. It is difficult, however, to agree with him when he says that one of the interpretations which can be put upon the words of the present reference is whether, having regard to the rise in the cost of living, any increase in the dearness allowance should be allowed. I do not find anything in the order of reference to show that I have myself to take into consideration the rise in the cost of living. It seems to me that the only interpretation which can be put upon the words of the present reference is that, having regard to the views expressed or the words used by Shri Khosla in the award which was published in the Gazette of India extraordinary on the 21st February, 1966 and also having regard to the Memorandum of Settlement subsequently reached between the management of Air India and the A.C.E.U. on the 22nd July, 1966, will any readjustment in the quantum of dearness allowance be justified and, if it would be justified, what should be the basis and the extent of readjustment and from what date should it be made effective? There could be no reason for reference to the award and the Memorandum of Settlement if it had not been intended that I should keep those documents in view in giving my award as to whether or not a re-adjustment in the quantum of dearness allowance is justified.

25. I will refer to the contents of the Memorandum of Settlement later but, for the present, I propose to consider important passages from Shri Khosla's award. It will be necessary for me to quote extensively from the award in order to ascertain Shri Khosla's views and also the matters which he took into consideration in taking those views. Before, however, proceeding to do that, I wish to state that, apart from the fact that the I.A.T.A. has strongly expressed its view in its statement of claim that this reference is extremely limited in its scope and has severely criticised Shri Khosla for excluding various important matters from consideration, all the three unions in question in the present case namely, the I.A.T.A., the A.C.E.U. and the Air India Inspectors' Association have served a fresh charter of demands upon the management of Air India only a few months ago. So far as the subject of dearness allowance is concerned, the I.A.T.A. has put a scheme of dearness allowance in its demands but the A.C.E.U. has reserved the liberty to add this subject after the result of this reference is known. I may also mention that, notice of termination of the award and the settlement having been given, as stated by Mr. Buch, on 24th March, 1969, they will stand terminated on 24th May, 1969. It thus appears, that the unions have done what I.A.T.A. has said in paragraph 7 of its statement of claim i.e. that after expiry of the

Khosla award at the end of 1968 "it proposes to put fresh proposals before the management of the Air India as well as the Indian Airlines for putting the wage scale and dearness allowance on sound and scientific basis".

26. I may now refer to the relevant passages in Shri Khosla's Award. In Chapter V, he has considered the principle of wage structure. In paragraph 1 of that chapter, he has said:

"In this chapter I propose to examine some general principles for consideration which must be borne in mind while determining the wage structure of the various categories of workmen employed by the Corporation. I shall first attempt to extract a consistent policy of universal application from the opinions expressed by numerous wage boards, committees and sociological and economic experts who have dealt with the question of wage-structure in its different aspects; I shall next discuss a number of authoritative pronouncements of industrial tribunals and of the Supreme Court and finally I shall endeavour to deduce such guiding rules and considerations which have a particular bearing on the wage-structure of the workmen of the Air India Corporation. Let me confess at once that in the very nature of things it is impossible to find a mathematically accurate yardstick for calculating the salaries of any class or grade of employees, and any determination of this question must of necessity, be to a large extent empirical and approximate and the result of a compromise between the seemingly irreconcilable elements of the demands of professedly ill-paid workers, admittedly high prices, the desire to raise the people's standard of living, the capacity of the industry to pay, the competitive world market and the urgent need of capital formation in a country struggling to advance towards the goal of selfsufficiency and economic and political progress. It is necessary not to lose sight of the complete overall picture of the state of the country as one integral and unified entity, lest, if I may stretch a well worn metaphor, in bestowing undue attention and care upon individual trees, we fail to assess and thereby neglect and do injury to the total aggregate of trees constituting the wood".

27. He has indicated in the above paragraph that he wishes to consider the complete over-all picture of the state of the country as one integral and unified entity in order to fix the wage-structure of various categories of the workmen of Air India. In paragraph 5 of Chapter V at page 50 of the award, he has considered the requirements of wage-earners whose monthly emoluments lie between the limits of Rs. 650/- and Rs. 1500/-. In the course of his discussions, he has stated:—

"In one way or another, their total emoluments have been added to during the course of years. Their demand for an increase in wages and other benefits must be viewed in relation to the change in living conditions during the last three or four years, because the present scales and allowances were agreed to by the workmen of Air India and were considered adequate by them in 1960 or on subsequent dates when the various agreements were entered into. An increase must be justified by even more cogent and convincing evidence than in the case of the lower paid employees who live near the fringe of existence and a slight imbalance in whose razor-edge financial position is productive of deep damage. While, therefore, no rule of thumb or well-defined guiding principle can be evolved for fixing the wage-structure of this class, we must examine their case with sympathy and circumspection, guarding ourselves alike against emotional vulnerability and an unconscious reluctance to give more to those who have".

28. The above passage shows that he was prepared to consider the emoluments of this class of wage-earners with sympathy but with circumspection. In paragraph 7.7, of the same chapter, at page 55, he has expressed his caution, indicating that industrial workers are not the only people of this country who require sympathy and consideration. He has said.

"There are millions of our countrymen whose earnings are less than those of an industrial worker, and in the present state of our economy, to push up the wages of the industrial workers must inevitably result in depressing the lot of others, particularly those who are engaged in agriculture and that, in view of the urgency and importance of agricultural production, would be calamitous. The lowest wage of an unskilled labourer in Air-India was fixed at the figure of Rs. 123 (basic wage Rs. 50, dearness allowance Rs. 73) in May 1960, when the consumer price index (base June 1934 = 100) was 421. The consumer price index in July 1964, when the present reference was made, was 526 and on this basis, the lowest wage should be Rs. 153.6 per mensem. In fact, the lowest pay at present, after adding the interim relief given on January 1, 1964, is Rs. 138 and

Rs. 162 after a year's service, on earning in addition, an ad hoc increment awarded by this Tribunal on February 15, 1965".

29. I may just mention here that, although he said in the above passage that the lowest wage should be Rs. 153.6, he fixed the minimum wage of an employee of the Air India at Rs. 165/- per month (Rs. 100/- as basic and Rs. 65/- as dearness allowance). Shri H. K. Sohoni, Advocate, has said in this connection that Shri Khosla gave a cushion of approximately Rs. 12/- per month.

30. Shri Khosla has summarised the conclusions which he has reached in paragraph 8. He has said at page 57:—

"Summing up the conclusions to be drawn from the above discussion of the various committee reports and Supreme Court Judgments, the following general principles may be deduced and borne in mind when endeavouring to formulate a just and reasonable wage-structure for industrial workers of the different grades:—

- (i) at the lower salary scales the workmen should be paid a fair wage as defined in the Report of the Committee on Fair Wages, due regard being paid to the cost of living as manifested in the consumer price index prevailing at the relevant time. The basis of three consumer units per family cannot, however, be accepted as an absolute, invariable hypothesis;
- (ii) the capacity of the industry to bear the additional burden if the wage scales are to be raised must be borne in mind if the worker is getting a wage above the poverty level;
- (iii) in assessing the capacity of the industry to pay, not only its actual financial state but also its compulsive necessity to progress and expand in the future must be taken into consideration;
- (iv) an important rule in the fixation of wage-structure is the industry-cum-region basis as being conducive to uniformity and contentment by ensuring the principle of equal wages for equal and similar work;
- (v) where an industry has few or no rivals and an industry-wise comparison cannot be made, the regional factor assumes greater importance;
- (vi) if there are any special features peculiar to the industry under consideration, e.g., hazards or benefits not obtaining in other industries however similar or comparable, due weight must be given to these features; and
- (vii) the commercial undertakings in the public sector must be treated on the same basis as private undertakings; no special concession or advantage to the detriment of the worker being allowed merely by reason of the fact that an industry is financed wholly or in part by the Government".

31. He has then taken into consideration the fact that the profits of Air India do not go to fill up the pockets of rich industrialists. He has further added in paragraph 8.4 at pages 58 and 59 of the award as follows:—

"Air-India forms part of the national effort to increase the country's material resources and raise its international status and prestige. The narrative set out in Chapter III describes the contribution made by Air-India in the past and its future plans. If the profits are large and tend to increase, they will eventually add to the national revenues and improve the state of our foreign exchange reserves. Indeed, there is a compelling necessity to husband present resources, increase profits and expand the field of operations, for to stand still in the air transport business is to regress and be left behind. Even to keep in the same place, the Corporation must, in the words of Lewis Carroll's Queen do all the running it can and to make any progress it must run at least twice as fast. Making more profits by the Corporation means earning more foreign exchange, and if these profits are ploughed back to earn larger profits in future, the Corporation will be making an invaluable contribution to the country's plans for economic progress. There is nothing shameful or degrading in an employee of Air-India drawing a smaller salary than the employee of a foreign airline belonging to a country where the measure of affluence not only permits but demands a higher salary. The case of the employees of the Reserve Bank of India is to a large extent, similar to the case of the workmen of Air-India. But since the air transport industry is intensely competitive, those employees who come into contact with their corresponding numbers in other air-lines, e.g. flight crew and the personnel

stationed abroad, can be compensated by means of special and extraordinary allowance in the same way as our diplomats serving or posted abroad are paid special allowances. Government servants are, on the whole, content to work for smaller wages than those which obtain in commercial establishments. The case of Air-India which is a profit-earning undertaking in the public-sector, is not on all fours with the case of Government servants but it does bear some analogy to it in as much as the profits are not being made by a private undertaking and there is an obligation on everyone working in the Corporation to make a contribution towards the national effort".

32. He has then pointed out that the employees of Air-India are better paid than others working in Government undertakings. I may quote what he says in paragraph 8.6 at page 59:

"The present position is that the lowest paid unskilled worker in Air-India gets a minimum salary of Rs. 138 per mensem (Rs. 162 after one year's service), rising by progressively increasing annual increments of Rs. 3, Rs. 4 and Rs. 5 to the figure of Rs. 216 per mensem after eleven years of service. This compares, no doubt, unfavourably with what obtains in many industrial concerns, more particularly in the private sector, but it connotes a measure of ease and affluence when compared with the lot of the lowest paid workers in several Government undertakings, e.g. the Atomic Energy Establishment, etc., to which I have already referred, for in these concerns, the corresponding salary is, as already stated, not more than Rs. 120.50 per mensem, while workmen doing similar work in the Maharashtra Government Secretariat, draw no more than Rs. 102 per mensem as minimum total emoluments".

33. He has stated in Chapter VII at page 77 as follows:

"I shall first deal with Item 1—Scales and grades of pay and Item 4—Dearness Allowance, which are at once the most important and the most difficult matters falling for my adjudication. The demands made by the various parties under these two heads are very far reaching and they have engaged my most anxious and careful consideration. I have been at pains to study the existing position, the present requirements of the workmen as affected by the rise in prices since the prevailing pay scales were fixed in 1960 and the financial capacity of the Corporation. I have endeavoured to examine the demands of the workmen in the various grades of pay and relate these demands to their genuine needs, their desire to share in what has been called the progress and prosperity of the Corporation, and also to the economy of the country from which the economy of the Corporation cannot be divorced if a realistic image of the Industry's future is to be evoked. The present position is stated in Appendices A & B of the Air-India Employees' Service Regulations. Appendix 'A' sets out the various salaries, scales and grades while Appendix 'B' is the statement of the dearness allowance payable at the various stages of the basic pay".

34. The learned Advocates for the Associations (Unions) have relied strongly upon paragraph 16 of Chapter VII in which Shri Khosla has stated:—

"A separate dearness allowance possessing a separate entity of its own, added to the basic pay in order to make up the total emoluments of a workman is a feature peculiar to India. It seems that in the hearts of men with nostalgic memories, there continues to subsist an undying hope that the days of plentiful supplies and cheap prices will once again come back. It is strange that this hope should continue to struggle in the face of the most adverse experience and pragmatic logic. Prices have increased in relentless manner and continue to increase; no right-thinking man now feels that there will be a substantial fall in the cost of living within a foreseeable time. In other countries too, there has been a similar rise in the cost of living, and this has been compensated by scaling up the salaries. It seems to me that the time has come to do away with the anomaly of maintaining a small basic pay and a very large dearness allowance. For instance, at the lowest grade for a basic pay of Rs. 50/-, the dearness allowance now is Rs. 88 which is more than 50 per cent. of the basic salary. At the higher grades of pay the percentage of the dearness allowance falls but remains substantial. There is perhaps a reluctance to increase the salaries in a way which might appear disproportionate, but when we consider the total emoluments received by a workman whether at the lowest, the intermediate or the highest grade, there seems very little justification for dividing his total emoluments in an unrealistic manner so that a large portion of it constitutes a mere appendage in the shape of dearness allowance. At least a substantial part of the dearness allowance should now be merged in the salary. This was the recommendation made by the Gadgi

Committee and was later supported by the Second Pay Commission 1957—⁵⁹. Some part of the dearness allowance was then merged with the basic salary. The time, I feel has come for a further merger, partial if not complete. It may be that there is some possibility of prices falling to some small extent if the economy of the country can be improved though for myself I entertain very little hope on this score. Nevertheless, it may be an overbold step to merge the entire dearness allowance into the salaries, and I have, therefore, considered it advisable to upgrade all the salaries and keep only a portion of dearness allowance separate. This, in my view, is a more realistic way of dealing with the question of dearness allowance than keeping it wholly separate from the basic salary or effecting its complete merger, because keeping a small portion of it separate from the salary enables it to be increased or decreased with the rise or fall of prices".

35. It seems clear that the wage-structure and scales of dearness allowance which Shri Khosla fixed for different grades of employees of Air India was, as he himself thought, not only just but generous. After doing this, he compared the wage scales of employees of Air-India with those of Mazagaon Dock Ltd., Bombay, Bombay Electric Supply and Transport Undertaking, the Premier Automobiles Ltd., Bombay and the Reserve Bank of India. He found that, after fixation of their emoluments by him, the employees of Air-India would be better paid than the employees of Mazagaon Dock Ltd., and the Bombay Electric Supply and Transport Undertaking who were themselves well paid. The Reserve Bank of India was an exception in the sense that its employees were better paid than the employees of Air-India. So far as the Premier Automobiles Ltd., are concerned, he found that the minimum salary paid by it was higher than that in Air-India but the maximum salary was higher in Air-India. Hence he came to the conclusion that the wage-scale and dearness allowance which he was fixing for Air-India employees amounted not only to fair wage but to living wage, making ample allowance for further increase in the cost of living index. Shri Sohoni has contended that the emoluments fixed by Shri Khosla do not amount to living wage according to the standards laid down by the Supreme Court in several cases. That may be so but, under the terms of the reference in this case, I have to arrive at my decision having regard to Shri Khosla's award and the terms of the settlement. I am not called upon to apply my own idea of the correct principles of fixation of dearness allowance. In this connection, I wish to quote paragraphs 39 and 40 of the award at pages 114 and 115, leaving out the tables given by him:—

"39. "It will be seen that the salaries I have proposed for this category of workmen compare favourably with the emoluments which are being paid to similar classes of employees by business concerns in the private sector, whereas, they are far higher than what workmen doing similar jobs in the public sector are receiving. The Bombay Electric Supply and Transport Undertaking, Bombay, and Mazagaon Dock Ltd., Bombay, have perhaps the most liberal policy of wage payments and, even in their case, the minimum and maximum salaries paid to unskilled workmen are less than those I have proposed. The minimum total salary of an unskilled worker of Bombay Electric Supply and Transport Undertakings is Rs. 163.70 per mensem and the maximum Rs. 203.70. In Mazagaon Dock Ltd., the corresponding figures are Rs. 164.84 and Rs. 211.15 respectively, whereas, an unskilled worker in Air-India, will start his service with a total salary of Rs. 165 per mensem and the maximum of his grade will be Rs. 220 per mensem. The Premier Automobiles Ltd., Bombay, pay a minimum salary of Rs. 166.60 which is only slightly above the minimum proposed by me. But, their maximum being Rs. 204.30, is considerably less than the maximum of Rs. 220 which will obtain in Air-India. In the case of Reserve Bank of India, the minimum salary under the award of the National Industrial Tribunal, has been fixed at Rs. 170 per mensem for an unskilled worker but this amount includes the house rent allowance of Rs. 10 which matter has been considered separately in another part of this chapter. It will, therefore, be seen that unskilled workers in this category, in Air-India, will henceforth be better paid than their counter-parts in all but one of the industries, public or private, listed in Exhibits M-40 and M-48, the solitary exception being the Reserve Bank of India.

"40. It will be seen that in awarding dearness allowance, I have fixed wider slabs and transferred a considerable portion to the basic pay. The present basic pay has been increased from Rs. 50 to Rs. 100, but the dearness allowance has been reduced. This has been done in order to give some measure of additional benefit as has been given to the engineers and pilots. I have also taken into consideration the increased cost of living and the capacity of the industry to pay. The present wage will be, in my view, not only a fair wage but a living wage

and it makes ample allowance for further increases in the cost of living index. This scale should need no revision for many years unless there is a catastrophic and unanticipated rise in prices. If there is a steep decline in the price of living index, the dearness allowance will be liable to be reduced and that is why I have not taken the full-blooded step of merging the entire dearness allowance into the salary although such a step might well have been consistent and in conformity with the practice prevailing in other countries".

36. Shri Buch has argued that the reference to Shri Khosla was made in July, 1964 and the cost of living index (1934 = 100) Bombay at that time was 526. He has laid stress upon paragraph 39 and has contended that Shri Khosla has deliberately allowed the employees of Air India higher emoluments than those of industrial establishments in the private sector or the public sector with the exception of the Reserve Bank of India. It seems to me that that is not the position. Shri Khosla fixed the emoluments of the Air India employees at certain figures in consonance with the ideas expressed by him in the passages which I have quoted above. He has then compared the emoluments fixed by him with the emoluments paid by some other industrial establishment and has come to the conclusion that the employees of Air India would, after fixation of their emoluments by him, be better paid than the employees of other commercial establishments. He has also compared the emoluments fixed by him for Air-India employees with the emoluments of workers in Government undertakings e.g. the Atomic Energy etc., and Maharashtra Government Secretariat. He has not laid down that the emoluments of Air-India employees should be compared only with those of commercial undertakings in the private sector and not with those of public sector undertakings and naturally he has not given any reason in support of any such decision. Indeed, Shri Khosla has put forward several arguments in support of his reasoning as given in the passages quoted above that the emoluments of better paid workers should not be unduly high. For instance, he has said that the profits of the Air India do not go to the pockets of rich industrialists but they go to increase the resources of this country and the foreign exchange. It seems to me from what he has said in the above passages that what he meant was that he would put the Air-India employees in such a comfortable position that the emoluments fixed by him would not need revision for several years. He has said so in plain words.

37. Shri Buch and Shri Sohoni have laid great stress upon the fact that the cost of living index has gone rather high, it being 608 in February, 1966 when Shri Khosla's award was published, rising to 644 at the date of the memorandum of settlement, 741 at the date when the present order of reference was passed in June, 1968 and 790 in June, 1969. Shri Sohoni has pointed out that the kind of rise in the cost of living index which Shri Khosla must have anticipated is indicated by the table given by him at page 101, para 17, of his award. The table merely gives the consumer price index series for the years 1959 to 1965. The rise between December 1959 and December 1964 was from 420 to 543. I do not think that he could have been aware of only the rise in the cost of living index at the rate shown in this table. He must have known that, at the time when he wrote his award, the cost of living index had registered a further rise upto some-where near 600. If he had not been aware of the high rate of rise in the cost of living index, he could not have said in paragraph 16 that "prices have increased in relentless manner and continue to increase; no right-thinking man now feels that there will be a substantial fall in the cost of living within a foreseeable time". He says in paragraph 40, however, "the present wage will be, in my view, not only a fair wage but living wage and it makes ample allowance for further increases in the cost of living index. This scale should need no revision for many years unless there is a catastrophic and unanticipated rise in prices".

38. I do not think that it is possible to say that there has been a catastrophic and unanticipated rise in the cost of living index from February, 1966 to June, 1968 or even upto June, 1969. It seems abundantly clear, therefore, that Shri Khosla did not wish the scale of emoluments (basic pay plus dearness allowance) to be revised in the course of only these three years.

39. The fact that Shri Khosla's award relating to emoluments, including dearness allowance, gave satisfaction to the A.C.E.U. is clear from the fact that the award was followed by the memorandum of settlement between the parties in July, 1966. According to that agreement (Ext. W-4), the award and the settlement "should continue to be in operation till 31st December, 1968 and thereafter till duly terminated by giving a notice of two months by either party". Several categories of employees of Air-India received benefits under this agreement. There can, therefore, be no doubt that the employees who were then represented

by A.C.E.U. and who are now said to be represented by the three unions named above were so satisfied by the award as modified by the agreement that they agreed to their continued operation until the 31st December, 1968. The cost of living index on that date was 644. Since then, there has been a further rise of 146, in the cost of living index. In view of the opinions expressed by Shri Khosla, it cannot be said that there is already a case for making adjustments in the dearness allowance. I say so specially because, although Shri Khosla has taken rise in the cost of living index into consideration, he has not accepted the principle of full neutralisation. He has also not laid down that there should be a revision in the emoluments fixed by him when the cost of living index rises higher than a certain point nor has he expressed his view about the amount of rupees which would neutralise the rise of a given number of points.

40. In the circumstances mentioned above, I am of the opinion that, having regard to the award of the National Industrial Tribunal presided over by Shri G. D. Khosla and published in the Gazette of India Extraordinary dated the 21st February, 1966 and the Memorandum of Settlement reached subsequently on the 22nd July, 1966 between the management of Air-India and the A.C.E.U., no readjustment in the quantum of dearness allowance is justified. In this view of the matter, it is unnecessary to answer the rest of the questions.

41. This is my award. Let it be submitted to the Central Government under section 15 of the Industrial Disputes Act.

(Sd/-) KAMLA SAHAI,
Presiding Officer.
[No. 4(170)/67-LR.III.]

S.O. 4379.—In exercise of the powers conferred by section 4 of the Industrial Disputes Act, 1947. (14 of 1947), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S. O. 1277, dated the 24th March, 1969,—

In the Table annexed to the said notification,—

(i) after Serial No. 25 and the entries relating thereto, the following Serial No. and entries shall be substituted, namely:

1

2

3

“25A. Assistant Labour Commissioner (Central), Sahdol The State of Madhya Pradesh”,

(ii) Serial No. 38 and the entry relating thereto in column 2 shall be deleted.

[No. F. 1/72/69-LR.I.]

New Delhi, the 24th October 1969

S.O. 4380.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jaipur, in the Industrial dispute between the employers in relation to the Divisional Manager, Life Insurance Corporation of India, Ajmer and their workmen, which was received by the Central Government on the 15th October, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, RAJASTHAN, JAIPUR
PRESENT:

Shri Gopal Narain Sharma Presiding Officer

CASE No. CIT-1 of 1967

REF:—Government of India, Ministry of Labour, Employment and Rehabilitation,
New Delhi Order No. 70/13/66/LRIV dated 27th June, 1967.

In the Matter of an Industrial Dispute

BETWEEN

The Northern Zone Insurance Employees Association, Ajmer

AND

The Divisional Manager, Life Insurance Corporation of India, Ajmer

APPEARANCES

For the Association.—Shri B. L. Samdaria

For the Corporation.—Shri N. C. Gautam

Date of award.—29th July 1969

AWARD

This is a reference by the Central Government under Section 10(1)(d) read with Section 12(5) of the Industrial Disputes Act for the adjudication of a dispute between the Life Insurance Corporation of India, Ajmer (hereinafter referred to as the Corporation) and its workmen represented by the Northern Zone Insurance Employees Association, Ajmer (hereinafter referred to as the Employees Association) over the following demands:—

“Whether Shri Kailash Chand Patni an employee of the Life Insurance Corporation of India, Ajmer, is entitled to promotion to the post of Section Head with effect from the 27th December, 1961? If not, to what relief is he entitled?”

Shri Kailash Chand Patni is serving the Corporation at Ajmer since 23rd May, 1951. He started as Investment clerk, was categorised as cashier on 1st June, 1957 and then promoted as officiating Section Head from 21st June, 1961. He had already qualified for the post of Section Head in November, 1960 in a departmental promotion test. He could not however be confirmed until the Divisional Promotion Committee constituted under the Staff Regulations, 1960 framed in virtue of clauses (b) and (bb) of Sub-section (2) of Section 49, Life Insurance Corporation Act, 1956, also declared him fit for the post. The Divisional Promotion Committee called him for interview on 17th November, 1961 but he could not attend it, and was therefore not selected. The case of the Employees Association is that before that date, that is 17th November, 1961, the Corporation sent him to attend a Civil case, Case No. 70B of 1959, at Nagpur and in spite of his representation that his interview was scheduled to take place on 17th November, he was made to stay at Nagpur upto 20th. In the meanwhile the Promotion Committee finished their interviews and selected persons much junior to him. Soon after on reaching Ajmer on 24th November, 1961 he reported to his management to arrange for his interview also by the Divisional Promotion Committee but the request was not accepted until September, 1963. Then the Divisional Promotion Committee was constituted to interview him alone but the management sent some others also along with him for interview. The Committee selected others but not the petitioner. On his representation the proceedings of the Committee were however quashed later on and then another Divisional Committee was constituted in 1964 and then alone he was selected and confirmed.

Shri Patni was getting emoluments of his post since his officiating promotion but not the Dearness Allowance and Bonus and House Rent on the officiating allowance. The case of the Employees Association is that he had been victimized by the management and that they, for his various Union activities, maliciously so managed that Shri Patni could not present himself for interview in 1961. Therefore they claim that he should be confirmed with retrospective effect, that is, from the date he was promoted as officiating Section Head and allowed the benefits of a confirmed employee from that date.

The Corporation by their written statement while admitting that they had sent Shri Patni at Nagpur during the days his interview was fixed by the Divisional Promotion Committee at Ajmer denied that they had done so *mala fide* or to victimize him. They add that on the contrary they had given him officiating promotion even without selection by the Divisional Promotion Committee. He could not, however, be confirmed under the statutory Staff Regulations, 1960 without being selected by the Divisional Promotion Committee. He was sent to Nagpur for his evidence in an important Civil Case against the Corporation. That could not be avoided. Shri Patni, however, represented for his interview only in 1963, therefore a Divisional Promotion Committee was specially constituted to interview him but then he was not selected. He was selected by the Divisional Promotion Committee on 12th February, 1964 and from that date he was confirmed. They further objected to the maintainability of the reference on the ground that it being a case of promotion only, it could never be an industrial dispute within the meaning of Section 2(k) of the Industrial Disputes Act.

Shri Patni examined himself and Shri S. L. Samdaria in support of his case while the Corporation examined their Assistant Administrative Officer Shri N. C. Gautam.

Two questions arise for determination in this case—(i) whether it is an industrial dispute and (ii) whether Shri Patni is entitled to promotion with retrospective effect, that is, from 17th November 1961 when the Divisional Promotion Committee first met.

I have heard learned counsel on both the sides and have also perused the evidence on the record. There can be no doubt that a dispute regarding promotion can also be an industrial dispute. The question whether a person has been superseded or not or he was entitled to promotion or not would also be comprehended in the words "employment or non-employment" occurring in the definition of an 'Industrial dispute' in Section 2(k) of the Act. It was held in Western India Automobile Association Vs. Industrial Tribunal, Bombay and others (A.I.R. 1949 Federal Court III) that "The words 'employment and non-employment' in the definition of industrial dispute in S.2(k) are widest amplitude and have been put in juxtaposition to make the definition thoroughly comprehensive. The words "in connection with" widen the scope of the dispute and do not restrict it by any means. "Any dispute connected with employment or non-employment" would ordinarily cover all matters that require settlement between workmen and employers, whether those matters concern the cause of their being out of service or any other question and it would also include within its scope the reliefs necessary for bringing about harmonious relations between the employers and the workers."

The Allahabad High Court also held in Doab Sugar Mills Limited, Shamli Vs. State of U.P. and Others (1962-I LLJ.1) that "A matter relating to up-grading or promotion can be an industrial dispute provided it is taken up by more than one workman, and the Tribunal would have jurisdiction to decide it. And in coming to a decision, it can investigate into the respective qualifications of the employee concerned who was superseded and the rival employee who was appointed to that post. There is nothing wrong if the Tribunal went into the question of their Comparative merits."

The Industrial Tribunal, Andhra Pradesh also took the same view in Workmen of Andra Bank, Limited Vs. Andra Bank Limited, Masulipatnam (1964-I LLJ. 243) (247-Para 1):—

"Admittedly, promotion is a managerial function, still, it is now well established that where there is a settlement on promotions, the promotions given by the employer can be scrutinised by the tribunal to find out whether they were in accordance with the settlement in this regard. This was held by the Supreme Court in the case of Rhotos Industries (1956-II LLJ. 444) and Brooke Bond (India) Ltd. (1963-ILLJ.256). Hence, as here there is the settlement, Ex. K-26, dealing with promotions, I will scrutinise the promotions given by the employer. I proceed to do this."

In the instant case also there were Life Insurance Corporation Staff Regulations, 1960 which govern promotions and other service conditions.

Again the Supreme Court has also laid down in Brooke Bond (India) Private Limited Vs. Their Workmen (1963-I LLJ. 256) that "Promotion is normally a part of the function of the management. But when the management has been actuated by malicious considerations or that the failure to promote one eligible person amounts to an unfair labour practice the industrial tribunal may interfere."

In the light of the above discussion therefore this reference relating to a dispute about promotion is clearly maintainable.

The claim of Shri Patni for promotion with retrospective effect that is, from 17th November, 1961 is however not correct. The promotions in the Corporation are regulated by the Life Insurance Corporation Staff Regulations, 1960 which have a statutory force. The Regulations amongst other things provide how a promotion is to be given. In the case of Section Head with which only we are concerned, a workman has first to pass written test or get an exemption from the department. Thereafter the Divisional Promotion Committee meets, interviews them and goes through their record of past services and selects only those who are found suitable for promotion. Now it is at once clear that unless found suitable by the Divisional Promotion Committee one cannot be promoted. The Divisional Promotion Committee met in November, 1961 but as Shri Patni was sent out to Nagpur on an official duty he was not selected. May be, the fault lay with the management in sending him out at such a time when interviews were fixed but that cannot enable Shri Patni to get automatic promotion without being selected by the Divisional Promotion Committee. That would be against the statutory rules. It appears that he was at Nagpur in those days to safeguard the interest of the Corporation in a Civil Suit.

Therefore, *mala fide* on the part of the Corporation cannot also be attributed. Again on his representation they even constituted a special Divisional Promotion Committee for his interview only but then he was not selected. Therefore as the facts stand Siri Patni is not entitled to promotion with retrospective effect, that is, from 17th November, 1961 and I answer the reference accordingly. The award be submitted to the Central Government for favour of publication.

GOPAL NARAIN SHARMA,
Presiding Officer,
Central Government Industrial Tribunal,
Rajasthan, Jaipur.
(No. F 70/13/66-LRIV(LRI).)

S.O. 4381.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14) of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur in the industrial dispute between the employers in relation to the Punjab National Bank Limited and their workmen, which was received by the Central Government on the 18th October, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR.

Dated October 13, 1969

PRESENT:

Shri G. C. Agarwala, Presiding Officer.

CASE REF. NO. CGIT/LC(R) (7) OF 1969

PARTIES:

Employers in relation to Punjab National Bank Ltd., Bilaspur Branch, Bilaspur (M.P.).

Vs.

Their workman, represented through M. P. Bank Employees Association, Raipur (M. P.).

APPEARANCES:

For employers.—Shri R. P. Raizada, Staff Officer, Central Circle, Indore.

For workmen.—Shri P. N. Sharma, President, M.P. Bank Employees Association, Raipur (M. P.).

INDUSTRY: Bank.

DISTRICT: Bilaspur (M.P.)

AWARD

By Notification No. 23/114/68/LRIVIII, dated 16th January, 1969 the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) referred the following matter of dispute as stated in the schedule to the order of reference, to this Tribunal for adjudication:—

Matter of Dispute

Whether Shri Shyam Lal Yadav, Godown Chowkidar, employed in Bilaspur Branch of the Punjab National Bank Ltd., was eligible to be absorbed in the permanent service of the Bank in view of the clause 20.13 of the Bi-partite Settlement dated the 19th October, 1966? If so, to what relief is he entitled?

The facts are short and simple. The workman concerned, Shri Shyam Lal Yadav, to be hereinafter called Yadav, was a temporary Godown Chowkidar at Pendara Road out station under Bilaspur branch to look after the stocks of borrowers kept in the open. He was first appointed on 8th February, 1965 for one month and then his appointments were renewed on temporary basis every month or for a shorter period as would appear from various appointment letters Exhibits E-2 to E-31. There were however two breaks in service as admitted in para 11 of the statement of claim of the Union, one from 30th November, 1966 to 2nd February, 1967 and the second one from 2nd November, 1967 to 5th January, 1968. His services were ultimately terminated on 30th April, 1968, having become unnecessary. He applied to the Manager Bilaspur Branch on 5th May, 1968 (Exhibit E-33) to be

absorbed on some alternative job. The Bank had no job to offer. The Union Madhya Pradesh Bank Employees Association therefore took up his case in conciliation which ended in failure and resulted in this reference.

The Union's contention was that Yadav had been in continuous appointment and the breaks were artificial. Under Clause 20.13 of the Bi-partite Settlement, dated 19th October, 1966, it was the duty of the Bank to have absorbed him in permanent service. For the Bank, it was pleaded that the appointment was purely temporary and there was no scope to absorb him. The breaks in service were not artificial and his temporary appointments came to an automatic end as and when his services became unnecessary because the borrowers closed their accounts. A technical legal plea was also raised that the dispute was not an industrial dispute and Shri Shyam Lal Yadav was not a workman as defined under Section 2(s) I.D. Act.

On the pleadings of the parties, the following additional issues were framed in the case:-

Issues

- (i) Whether Shri Shyam Lal Yadav workman concerned is a workman as defined in Section 2(s) I.D. Act?
- (ii) Is the dispute not an industrial dispute?
- (iii) Whether the employment of Shri Shyam Lal Yadav was temporary in fact or were the breaks artificial?
- (iv) As in order of reference?

Issue No. 1:

The plea of the Bank that as services of Shri Yadav came to an automatic end on 30th April, 1968, therefore, he ceased to be a workman is clearly misconceived. The termination amounts to discharge and considering the inclusive definition of "workman" under Section 2(s) a discharged workman would be deemed to be a workman.

Issue No. 2.

The plea raised by the Bank is a vague one. It was simply stated that since the dispute had neither been raised by a substantial number of workmen nor has it been sponsored in a proper manner, therefore the dispute was not an industrial dispute. It is a dispute raised by the Union and therefore the question of it's having been raised by a substantial number of workmen does not arise. It was nowhere pleaded that the Union was not sufficiently representative enough to raise and sponsor the dispute. On behalf of the Union, document Exhibit W-2, dated 10th June, 1968 was filed which would show that as many as 14 employees of Bilaspur Branch asked the Union to take up the dispute. Exhibits W-3 and W-4 are counterfoil receipts of membership subscription, which would show that Shri Shyam Lal Yadav was a member of the Union at the relevant time. It was not at all amplified and made clear how the dispute was not sponsored in a proper manner. The plea evidently is a flimsy one and is answered in negative.

Issues Nos. 3 and 4:

The appointment of Shri Shyam Lal Yadav was admittedly temporary. In para 8 of the statement of claim of the Union, it is specifically admitted that Shri Yadav was appointed on 8th February, 1965 to look after the stocks of borrowers in the open compound at Pendara Road Godown Station under Bilaspur branch. In para 9 it was, however, stated that the godown station was a permanent one and was incharge of a permanent Godown Keeper. This appears to be a wrong assertion. Shri Yadav himself did not come in evidence and as a matter of fact no evidence was produced on behalf of the Union. The only document on which the Union relied is a copy of letter dated 15th February, 1967 addressed by the Manager of Bilaspur Branch to District Manager, Central Circle Indore and in which recommendation was made regarding permanent absorption of Yadav. There is a mention in this letter that the out station was likely to continue permanently. It, however, appears that this expectation did not materialise. The Bank examined Shri B. C. Sathl, the present Manager of Bilaspur Branch, as E.W. 1. He has stated that the out station was closed permanently w.e.f. 30th September, 1969. Before that, godowns were kept of borrowers and temporary Godown Keepers were employed on the account of parties concerned. If the store was kept in open compound, Godown Chowkidars were also engaged on temporary basis. These godowns were purely seasonal and cost

of a Godown Keepers and Chowkidar was borne by the borrowers. When borrowers paid back the advance to the Bank, the services of Chowkidars became unnecessary and were terminated. It is, therefore, wrong to say that Yadav was working against a permanent post on a temporary basis. In his application dated 5th May 1968 (Exhibit E-33) for being absorbed on an alternative job, he has very clearly admitted that because the godown was closed, therefore his services were terminated. He further admitted that he had worked as Godown Chowkidar from 1st August 1965 to 1st November 1967 and again from 6th January 1968 to 30th August 1968. He was, therefore, a temporary chowkidar against temporary requirement.

It was urged on behalf of the Union that the Bank was bound to absorb him on a permanent post and provide alternative employment under paragraph 20.13 of Bi-partite Settlement which runs as follows:—

Temporary godown-keepers and godown-watchmen who are required to look after one or more godowns belonging generally to one party and whose salary and allowances are generally borne by the parties who are owners of the goods in the godowns, shall, if their work has been found satisfactory and if their services can be utilized to look after other godowns in the same place or other places or in the clerical establishment of the bank, on completion of one year's service, be given preference for absorption in the permanent service of the bank, subject to the bank's recruitment rules, if any.

It is a mis-reading of the clause. All what is required by the Bank is to give preference to an employee for absorption in the permanent service of the Bank either at the same place or another place but subject to the Bank's recruitment rules. In the first place, it has not been shown on behalf of the Union that some other person has been appointed and preference has not been given to Yadav. The burden of proving the fact was on the Union. Shri Sethi E.W. 1 categorically stated that there was no permanent vacancy under Bilaspur Branch wherein Yadav could have been absorbed and none has been appointed so far. Subordinate staff members are recruited locally. There is, therefore, no ground to complain that provision of para 20.13 of Bi-partite Settlement has been violated. There is yet another aspect of the matter. Para 20.13 states that preference shall be given for permanent absorption subject to recruitment rules of the Bank. A copy of the recruitment rules of the Bank had been filed and is Exhibit E-32. Besides prescribing certain physical standard, it is also stated that in the case of Guards, they should be proficient in the use of fire-arms. Shri Sethi had stated that from the records brought by him, it appeared that in one of the communications sent by his predecessor, it had been intimated that Yadav did not know the use of gun. Consequently, he was not eligible for permanent absorption as a Godown Chowkidar even if there had been a vacancy which in fact did not exist in the local area in which he was working, namely Bilaspur Branch. Paragraph 20.13 of Bi-partite Settlement, when it recommends permanent absorption does not envisage that the over all requirement of the country will have to be considered. It must necessarily have a restricted meaning and as stated by Shri Sethi, Chowkidars are appointed on local basis. Considering the subject from any aspect of the matter there is thus no merit in the claim and issue under reference is answered in negative. For issue No. 3 it has to be held that the employment of Shri Shyam Lal Yadav was temporary in fact and the breaks were not artificial.

Decision

The result is that the issue under reference is answered in negative. Shri Shyam Lal Yadav was not eligible to be absorbed in the permanent service of the Bank and he is not entitled to any relief. No order for costs.

(Sd.) G. C. AGARWALA,

13-10-69.

Presiding Officer.

[No. 23/114/68/LRIII.]

New Delhi, the 25th October 1969

S.O. 4382.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur in the industrial dispute between the employers in relation to the Punjab National Bank Limited and their workmen, which was received by the Central Government on the 18th October, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR.

Dated October 14, 1969

PRESENT:

Shri G. C. Agarwala, Presiding Officer.

CASE REF. NO. CGIT/LC(R) (8) OF 1969

PARTIES:

Employers in relation to Punjab National Bank Ltd., Parliament Street, New Delhi.

Vs,

Their workman, represented through M. P. Bank Employees Association, Raipur (M. P.).

APPEARANCES:

For employers.—Shri V. M. Lulla, Staff Officer.

For Workman.—Shri P. N. Sharma, President, M.P. Bank Employees Association, Raipur (M. P.).

INDUSTRY: Bank.

DISTRICT: Balaghat (M.P.).

AWARD

By notification No. 23/130/68-LRIII, dated 21st February, 1969, the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) referred the following matter of dispute as stated in the schedule to the order of reference, to this Tribunal for adjudication:—

Matter of Dispute

Whether the action of the management of Punjab National Bank Limited, Head Office, Parliament Street, New Delhi, in taking away the additional work and thereby depriving Shri N. M. Chikley, peon of the payment of Bill Collector's allowance by the Punjab National Bank Ltd., Balaghat with effect from the 12th August, 1968, is justified? If not, to what relief is Shri N. M. Chikley entitled?

The facts are short and simple. Shri N. M. Chikley to be hereafter called Chickley was appointed as Peon in the Balaghat Branch of the Bank on 20th September, 1965, by means of appointment letter Exhibit E-1. He was appointed by Shri H. B. Gupta, E.W. 1, the then Officer Incharge, Pay Office Balaghat. There was no post of Bill Collector sanctioned for this office. Consequently Chickley used to present Hundies or bills of exchange which varied on an average from 3 to 5 daily. Besides doing presentation of hundies and collecting money thereon, inward bills from other branches when received were also sent with intimation through Chickley. Usance bills also were sometimes received and were presented by Chickley. He was not being paid any extra allowance for doing this additional job. Under paragraph 5.3 of the Bi-partite Settlement, dated 19th October, 1966 Bill Collectors were made entitled to extra allowance according to the Banks classified as A, B or C. For A Class banks, the allowance was of Rs. 13/- . In part II Appendix (B) at page 70, item No. vii, the job description of a Bill Collector is specified as under:—

(vii) Bill Collectors:

Their work involves:

- (i) Obtaining acceptance of bills of exchange, hundies, etc., drawn on local parties or banks and/or collecting payments thereon;
- (ii) Collecting payments for cheques or Postal Orders, etc., from banks or Post Office counters.

They may also be required to collect cash not exceeding Rs. 600/- at a time against various instruments.

Chikley refused to render the duties of Bill Collector and claimed the special allowance of Rs. 13/- per month with effect from 1st July, 1966, the date of enforcement of Bi-partite Settlement. The Bank therefore took away the work from

him on 13th August, 1968, and entrusted it to Dafty-cum-Cash Peon Shri S. N. Dhalikar. The Union took up the dispute in conciliation. The Bank, however, gave the allowance to Chikley for the period he had worked as a Bill Collector namely from 1st July, 1966 to 12th August, 1968 in conciliation. The Union insisted that the job of collecting bills should be given back to Chikley to which the Bank was not agreeable. The conciliation thererore ended in failure resulting in this re-ference.

In the statement of claim the Bank took up a technical plea that the dispute was an individual dispute and not an industrial dispute in as much as it has neither been raised by a substantial number of workmen nor has it been sponsored in a proper manner. Since the dispute has been raised by the Union there is no question of a substantial number of workmen sponsoring the dispute. It has not been clarified how it was not sponsored in a proper manner. The plea was evidently flimsy and was not pressed in arguments.

On merits of the controversy, the stand taken up by the Bank is that under paragraph 5.6 of Bi-partite Settlement, special allowance is payable for rendering additional duties in a regular manner and not for casual or occasional performances or discharge of such duties. This paragraph runs as follows:—

The special allowances prescribed above are intended to compensate a workman for performance or discharge of certain additional duties and functions requiring greater skill or responsibility, over and above the routine duties and functions of a workman in the same cadre. In order to be entitled to a special allowance, such additional duties and functions should constitute the normal part of the duties and functions performed or discharged by a workman. Special allowances are not intended to be paid for casual or occasional performance or discharge of such duties/functions. It would, however, not be necessary that a workman should continue to perform such duties or discharge such functions, whole time, in order to be entitled to such allowance.

It was contended on behalf of the Bank that the job of presenting hundies by Chikley was of a casual nature, Balaghat being a small office and therefore no special allowance was payable to Chikley. Under paragraph 5.9 the Bank was entitled to take away the work from Chikley and entrust it to another person. The Bank agreed to pay him the special allowance in conciliation during the period he had actually worked generously without the legal liability to pay the same. Paragraph 5.9 runs as follows:—

A workman will be entitled to a special allowance only so long as he is in charge of such work or the performance of such duties which attract such allowance. Whether a workman can be asked to cease to do such work or discharge such duties and consequently cease to draw such allowance, will depend upon the terms of his employment. For instance a workman who is employed permanently as a Head Clerk or Stenographer cannot be deprived of his special allowance by asking him to work as an ordinary clerk or asking him not to work as a Head Clerk or Stenographer. If, however, a recipient of a special allowance wants to give up the work or duties which entitle him to the special allowance, he shall, if his request is granted, cease to draw the special allowance.

It is no doubt true that Chikley was appointed substantially as a peon. The fact, however, was that he had been rendering the duties of Bill Collector from the very inception. Since no post of Bill Collector was sanctioned for the branch, he was not being paid any extra allowance. When Bi-partite Settlement came into force with separate category of Bill Collector listed in paragraph 5.3 of the Settlement and duties enumerated in Appendix 'B' Chikley asserted his claim for the allowance, which he rightly did. The Bank realising the weakness of their stand agreed to give the special allowance for the actual period he had worked. In other words, the Bank conceded that the duties which Chikley was doing were not of casual or occasional nature. As a matter of fact, it was a regular feature as admitted by the Bank in the statement of claim and also by Shri Gupta, the then Officer Incharge E.W. 1 as on an average the number of hundies used to be between 3 to 5 daily. The number does not matter. The significant part is that hundies were received daily and not casually or occasionally. Thus this regular feature of hundies and all other work which a Bill Collector has to render, was being performed by Chikley, is an admitted position. It was because of this normal feature of his working that the Bank agreed to pay him the special allowance for the period

he had actually worked. The only question left to be seen is whether the Bank could and was justified in withdrawing this work from him and entrusting it to Daftry, Shri Dhalikar, under paragraph 5.9 of Bi-partite Settlement. The Bank undoubtedly had a right to withdraw that work from him under this paragraph as the appointment of Chikley was that of a Peon. But the main question, however, is whether Bank was justified. Under paragraph 20.1 of the Bi-partite Settlement which is in supersession of paragraph 23.26 (vii) of the Desai Award, not more than two designations can be combined in the case of any workman. Under the succeeding paragraph 20.2 of the Bi-partite Settlement, an employee with combined designation will be entitled to the appropriate special allowance for either of his designations. It was admitted by Shri Gupta E.W. 1 that when Chikley demanded the Bill Collector's allowance the work was taken away from him and was given to the Daftry, Shri Dhalikar as a measure of economy. Dhalikar already held a double and combined designation of Daftry-cum-Cash Peon and had been getting maximum allowance admissible under Bi-partite Settlement. No extra allowance is being paid to him for collecting bills. The Bank therefore, in order to save the special allowance payable for doing the work of a Bill Collector, in prohibition of paragraph 20.1 of Bi-partite Settlement, forced this work on the Daftry-cum-Cash Peon, a course which was not open to the Bank. The Bank may not create a separate post of Bill Collector for paucity of sufficient volume of work, but the Bank cannot deprive an employee from the allowance of Bill Collector if he had been rendering such duties and in any case to entrust the work to Daftry-cum-Cash Peon and thereby save the special allowance of a Bill Collector which was in clear violation of paragraph 20.1 of Bi-partite Settlement as more than two designations were forced upon Dhalikar, Daftry-cum-Cash Peon.

Decision

The result therefore is that the action of the Bank in taking away the additional work from Shri N. M. Chikley and thereby depriving him of Bill Collector's allowance was not justified. The first part of the issue is answered accordingly. As to the second part about relief, Chikley would be entitled to the allowance only from the date he is against entrusted with the work. It is, therefore directed that the Bank will entrust the work of a Bill Collector to Shri N. M. Chikley within one month from the date of the enforcement of this award. The Union will also be entitled to Rs. 100/- as costs from the Bank.

14th October, 1969.

(Sd.) G. C. AGARWALA,
Presiding Officer.
[No. 23/130/68/LRIII.]

ORDER

New Delhi, the 23rd October 1969

S.O. 4383.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Dehri Rohtas Light Railway Company Limited, Dalmianagar and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, (No. 2), Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

"Whether the management of Dehri Rohtas Light Railway Company Limited, Dalmianagar is justified in classifying the three Jeep or Station Wagon Drivers as excluded from the regular category of Drivers and not fixing their duty hours. If not, to what relief the workmen are entitled?"

[No. 2/15/69-LRIII.]

U. MAHABALA RAO, Dy. Secy.

(Department of Labour and Employment)

New Delhi, the 21st October 1969

S.O. 4384.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the following award of Shri S. Sankarappa, Assistant Labour Commissioner (C), Nagpur, in the industrial dispute between the management of Bhilai Steel Plant, Bhilai and their workmen represented by Samyukta Khadan Mazdoor Sangh, P. O. Nandini Mines, which was received by the Central Government on the 7th October, 1969.

BEFORE THE ASSISTANT LABOUR COMMISSIONER (CENTRAL), NAGPUR AND ARBITRATOR

PRESENT

Shri S. Sankarappa, Assistant Labour Commissioner (C), Nagpur and Arbitrator.

In the matter of arbitration of an industrial dispute under Section 10A of the Industrial Disputes Act, 1947 between the management of the Nandini Mine of Bhilai Steel Plant and their workmen represented by Samyukta Khadan Mazdoor Sangh concerning the question of upgradation of all Pump Attendants.

PARTIES

The General Manager,

Bhilai Steel Plant of M/s. Hindusthan Bhilai Steel Ltd., Bhilai in relation to their Nandini Lime Stone Mine.

Versus

Their workmen represented by Samyukta Khadan Mazdoor Sangh, Nandini (P.O.), Distt. Durg, Madhya Pradesh.

APPEARANCES:

For Employer:

1. Shri S. Balakrishnan, Personnel Officer (Mines).
2. Shri C. K. Ahluwalia, Asstt. Personnel Officer (Mines).
3. Shri S. D. Dixit, Senior Labour Officer (Conciliation).
4. Shri Gangapurkar, Asstt. Personnel Officer (Nandini Mines).
5. Shri K. G. Merer, Additional Labour Welfare Officer (Mines).

For Workmen:

1. Shri S. K. Sanyal, President, Samyukta Khadan Mazdoor Sangh.
2. Shri C. R. Bakshi, President, Samyukta Khadan Mazdoor Sangh, Nandini Branch.
3. Shri D. K. Rao, Secretary, Samyukta Khadan Mazdoor Sangh, Nandini Branch.

INDUSTRY: Lime Stone Mines.

AWARD

The Government of India, Ministry of Labour, Employment and Rehabilitation, (Department of Labour and Employment) by its Order No. F.No. 37/33/68-L.R.I, dated the 19th August, 1968 published an arbitration agreement entered into on 13th July, 1968 by the above parties referring the following specific matter in dispute for my arbitration under Section 10A of the Industrial Disputes Act, 1947.

“Whether the demand of the union for upgradation of all Pump Attendants in Nandini Mines is justified? If so, to what relief are these workmen entitled and from which date?”

2. The parties were requested on 4th September 1968 to submit their written statements in this case by 25th September 1968. Union submitted their written statements on 24th September 1968 under a copy to the management; but the management did not. The matter was posted for first hearing to 10th October 1968 and the management was requested for expedite their written statement under a copy

to the union. Management requested for postponement through a telegram and so the hearing was postponed to 25th October, 1968. On 25th October, 1968 both the parties attended. The management filed their written statements and a copy of the same was furnished to the union. Union took objection to the management's delay in filing their written statement. Both the parties requested for time to study each other's written statement and to file rejoinders. So further hearing was adjourned to 30th November 1968 at Bhilai as no earlier date was convenient to the parties. Both the parties also agreed for extending the time upto 31st December, 1968 for the arbitrator to finalise this arbitration. They requested for spot inspection by the Arbitrator. Spot verification was done on 26th October 1968 in the presence of both the parties.

Later on there were 10 adjournments including 30th November 1968 (30th November, 1968, 21st December 1969, 25th January 1969, 13th February 1969, 31st May 1969, 24th June 1969, 18th July 1969, 12th August 1969 and 23rd September 1969) in this matter. Hearing of parties and recording of evidence actually took place on 31st May 1969 and 24th June 1969 and arguments were heard on 23rd September 1969. Other adjournments had to be given because the management requested for them on some reasonable ground or other. Both the parties gave their written consents for extension of time for finalising the arbitration proceedings from time to time and the last agreed extension of time is upto 15th October 1969.

3. The facts and history of the case in so far as they are relevant are these as known from their written statements and other evidence placed before me.

To start with, in this establishment, Pump Attendants were employed on nominal muster roll. Later on some were placed on the time scale of 40—2—60 (old) and some on the time scale of 30—35—40—60 (old). Some more were employed in the time scale of 60—90 (old) from 13th November 1962. These scales of 40—2—60 and 30—35—40—60 were revised as 85—110 and the scale of 60—90 was revised as 110—143 with retrospective effect from 1st July 1962 because of Central Pay Commission Report. No criteria or principle was followed in giving different scale to different Pump Attendants. Persons with more service and experience on nominal muster roll were given lower scale and persons with lesser service were given higher scales. Management finalised seniority of Pump Attendants after fixing them on monthly scales. Sarvashri R. S. Tiwari and 3 others who were having much lesser service on nominal muster roll than Sarvashri B. N. Ambarker and 3 others were put on the scale of 60—90 while others were put on the scale of 40—60. Thus juniors were made seniors. There was lot of agitation over this matter and it was finally referred to the arbitration of Shri T. S. Malhotra, the then Asstt. Labour Commissioner (Central), Jabalpur. He expressed his opinion that injustice was done to the said 4 persons who were in the scale of 40—60 and awarded some compensation to them, and he however allowed the seniority as fixed by the management, to continue in order to avoid many complications that might follow if seniority list was disturbed. However discontentment among the workers continued. Union took up this alleged impropriety of having different pay scales to the Pump Attendants and after prolonged discussions at various levels, management finally introduced a uniform scale of 110—143 wide their Notice dated 12th August, 1964 notified under Section 9A. In terms of this said notice all Pump Attendants got uniform scale of 110—143 in course of some period after going through a trade test as envisaged in the said notice. This scale of 110—143 was further revised to 113—147 with effect from 1st April, 1965 because of general revision of wage scales.

The other technical categories among workmen that are existing in this establishment are Compressor Attendants, Jack Hammerman, Dump Operators, Shunting Jamadars. All these categories of workmen and Pump Attendants were always on the same pay scales. They and the Pump Attendants were all in the scale of 113—147 upto 30th December, 1966. All these categories of workmen including Pump Attendants had been agitating for upgrading their posts because of increase in their work load from time to time. Finally the management agreed to upgrade the Jack Hammerman and Compressor Attendants to the grade of 130—170 (which was later revised as 135—175 because of general revision of wage scales) with effect from 30th December, 1966. The Pump Attendants also agitated for upgrading their posts to 130—170 (later revised as 135—175). This union representing these workmen and the management held mutual discussions on 11th January, 1967 and agreed that it could be preferable to create a separate channel for the Pump Attendants and that the case of Pump Attendants should be subjected to Industrial Engineering survey and that the present attendants must be given the benefit of the higher posts on senior cum suitability basis from 30th December, 1968 (the date given Compressor Attendants were upgraded) if the

said survey justified the creation of higher posts. Up to this stage, the facts and history of this case, as stated above, have been virtually accepted as correct by both the parties. The parties have different versions for the later facts and history of this case and they are as follows:

4. Management stated that the case of all Pump Attendants was subjected to Industrial Engineering survey as agreed to vide the mutual discussions of 11th January, 1967 and that, 4 Pump Attendants were upgraded to the scale of 130—170 (later revised as 135—175) because the Industrial Engineering Department who conducted job analysis of all Pump Attendants recommended only for the upgradation of 4 posts of Pump Attendants at 2nd bench. 4 Senior most Pump Attendants were upgraded to these post vide their Order No. OMQ/1. MP/(283)/67/5453, dated the 2nd June, 1967. This upgradation of 4 Pump Attendants was given retrospective effect from 30th November, 1966. They stated that no more Pump Attendants could be upgraded to the scale of 130—170 (later revised as 135—175) as the Industrial Engineering Department recommended for upgradation of the 4 posts in 2nd bench only after conducting the proper job analysis of all the posts of Pump Attendants in compliance with mutual discussions of 11th January, 1967 as well as the settlement of 10th February, 1968.

5. Union stated that all the Pump Attendants should have been automatically upgraded with effect from 30th November, 1966 when similar categories of technical workmen like Jack Hammerman and Compressor Attendants, who were all on the same scale (113—147) as all Pump Attendants, were upgraded. They stated that this should have been done as a matter of justice and fair play. However, as a special case, in the interest of industrial peace, they agreed for subjecting the case of upgradation of all the Pump Attendants to job analysis by the Industrial Engineering Department during the mutual discussions held on 11th January, 1967. But the management did not get the job analysis of work of all Pump Attendants done. The Industrial Engineering Department examined the work of 4 Pump Attendants at 2nd bench when 2 Pumps of 200 K.W. and one Pump of 40 H.P. were installed there and recommended the scale of 130—170 (later revised as 135—175) to these 4 posts vide their No. ASO. NQ/HQ/67/188, dated the 12th January, 1967. This recommendation was independent and had nothing to do with the mutual discussions of 11th January, 1967. So the upgradation of 4 Pump Attendants vide Order No. OMQ/Imp/(283)/67/5453, dated the 2nd June, 1967 was nothing but arbitrary and provocative. Management did not keep-up their obligation undertaken vide mutual discussions of 11th January, 1967. So they were compelled to approach the conciliation machinery by raising industrial dispute through their letters of 15th June, 1967 and 6th July, 1967. This dispute resulted in a settlement under Section 12(3) of the Industrial Disputes Act, 1947 before the Assistant Labour Commissioner (Central), Bilaspur and the 4 terms of the settlement were as follows:

- (1) Agreed that a fresh work study of the job of Pump Attendants shall be conducted by the Chief Industrial Engineer and his job evaluation report submitted within a period of 30 days from the date of this settlement.
- (2) Agreed that the fresh recommendations of the Chief Industrial Engineer shall be made known to the union within 7 days of the receipt of the C.I.E.'s report referred to in Clause (1) above, by the management.
- (3) Agreed that the parties shall rediscuss and finalise the issue in the light of the C.I.E.'s recommendations within 15 days thereafter. In case of disagreement, the union is to raise the dispute afresh.
- (4) The parties shall furnish their implementation report to the Assistant Labour Commissioner (C), Bilaspur by 10-4-1968.

The management did not keep up the obligations imposed upon them under the said settlement. They did not get the work study of all pump Attendants done before 12-3-68. They were not intimated anything about the work study or its results before 19-3-68. The recommendations, if any, were not at all discussed with the union not only before 4-4-68 but at any time. Management did not send any implementation report of the said settlement to the Asstt. Labour Commissioner (Central), Bilaspur. Thus they totally violated the said settlement. Thus they had no other alternative except to issue a strike notice dated 1-7-68, stating that they would go on strike from 15-7-68. The strike notice had resulted in the present arbitration proceedings.

8. In view of the stands of the parties as stated above, it is relevant to examine the following issues in the light of material put before me by the parties;

- (a) How far the management is justified in not upgrading all the Pump Attendants when they upgraded all Compressor Attendants and Jack Hammermen.
- (b) How far the management has kept up its obligations undertaken vide the mutual discussions of 11-1-67 and settlement of 10-2-68.

7. From the material put before me by the parties, the categories of technical workmen that are functioning at the mine are (1) Pump Attendants, (2) Jack Hammermen, (3) Compressor Attendants, (4) Shunting Jamadars and (5) Pump Operators. They were all on the same scale of 110—143 (later revised as 113—147). It is also accepted by both the parties that all these categories of jobs are not of some nature. All witnesses examined by them spoke to the above effect. Every job has its own peculiar features and specialities. However they were all given one scale only and this implies that all these jobs, though different in nature, are of same degree of skill or work load. Management agreed to upgrade all these categories of workmen except Pump Attendants. They agreed to upgrade the Compressor Attendants and Jack Hammermen vide the settlement of 30-12-66. Management never stated at any time that they agreed to upgrade the posts of Compressor Attendants and Jack Hammermen because of any new features introduced in these categories of work or because of any recommendations of Industrial Engineering Department. Shri P. Mazumdar, Industrial Engineer who was examined, stated that he did not know whether the job analysis of all Compressor Attendants and all Jack Hammermen was done or not. In view of this material available before me, I can only conclude that the job analysis of work of all Compressor Attendants and Jack Hammermen was not done before agreeing to upgrade all of them. When the upgradation of all Pump Attendants was requested by the union the management came forth with the argument that the job analysis of all the Pump Attendants had to be done and that upgradation would be done only if such upgradation was recommended by Industrial Engineering Department. They argued at length that Industrial Engineering Survey was an accepted principle of practice and no upgradation of any post could be considered in the absence of suitable recommendations by the Industrial Engineering Department. I agree with this argument of the management. In fact the union also agrees with this. But it is not known why management had insisted for such job analysis of work of Pump Attendants only while they agreed to upgrade Jack Hammermen and Compressor Attendants without any recommendations from Industrial Engineering Department for their upgradation. All these 3 categories of workmen were carrying the same scale of pay for the last so many years and Compressor attendants and Jack Hammermen only were upgraded without any recommendation of Industrial Engineering Department while such recommendations were being insisted in the case of Pump attendants. It is exactly here, the management's stand appears to be unreasonable to me. In these days of modern machines and technology, Industrial Engineering Department should play a big role specially in fixing wage scale workloads to different categories of work. I fully accept this position. But it has to be uniformly applied to all categories of work. There should be no discrimination in following any method. In this case, I do not think that the management is justified in insisting for recommendations of Industrial Engineering Department in the case of Pump Attendants for upgrading them while they had upgraded all the Compressor Attendants and Jack Hammermen without any such recommendations specially because all these categories of workmen were on the same scale only during the past so many years. It is not as if the posts of Pump Attendants are being newly introduced for which job analysis has to be done for fixing a suitable scale to them.

8. I will not examine how far the management had got the job analysis of work of all Pump Attendants done in compliance with the mutual discussions of 11-1-67 and settlement of 10-2-68. Let me first consider the mutual discussions of 11-1-67. Mutual discussions were of 11-1-67. Recommendations of Industrial Engineering Department for 4 posts of Pump Attendants in the scale of 130-170 (later revised as 135—175) were of 12-1-67. So it cannot be stated that these recommendations of 12-1-67 are the result or outcome of the mutual discussions of 11-1-67. So recommendations of 12-1-67 are in no way connected with mutual discussions of 11-1-67. Management could not produce the records relating to the job analysis which was said to have been done in compliance with mutual discussions of 11-1-67 before the A.L.C. (C) Bilasnur when it was required for his perusal on 10-2-68. This position is clear from the settlement of 10-2-68. They stated then that it was not readily available. Even before me they failed to produce it. So I can only conclude that no job evaluation was done by the management in

compliance with the mutual discussions of 11-1-67. Let me now consider the settlement of 10-2-68. From the material placed before me it is not seen that the management had kept the union in touch with the recommendations of the Industrial Engineering Department after the settlement of 10th February 1968. They had neither intimated the recommendations of the Industrial Engineering Department to the union nor discussed the same with them. The recommendations of the Industrial Engineering Department made vide their letter No. IE/MM/1049, dated the 18th June, 1968, was brought to the notice of the union on 13th July 1968 only for the first time when Asstt. Labour Commissioner (C) Bilaspur held conciliation proceedings in the dispute (together with a strike notice) raised in this matter. Even before me they have not placed any material to prove that they have either intimated the recommendations of Industrial Engineering Department to the Union or discussed the same with the union. They have not even intimated anything to the Asstt. Labour Commissioner (C), Bilaspur about the fate of settlement of 10th February 1968. In view of this, I can only conclude that the management had failed to implement the spirit and terms of the settlement of 10th February 1968. I am of the opinion that their often repeated arguments both in their written statements and arguments that they had faithfully carried out their obligations both under mutual discussions of 11th January 1967 and settlement of 10th February 1968 are not found to correct.

Now let me come to the recommendations made by Industrial Engineering Department. Management had relied on 2 letters of the Industrial Engineering Department in this connection. Firstly they relied on letter No. ASQM.Q/HQ/67/188, dated the 12th January 1967 wherein they recommended the scale of 130—170 (later revised as 135—175) to the Pump Attendants of 2nd bench. I have already expressed my views on this letter in the above para. This letter is not connected with the job analysis of work of all Pump Attendants. I am of the opinion that the management cannot take any support from this letter to their contention that job analysis of work of all Pump Attendants was done. Secondly the management had relied on letter No. IE/MM/1049, dated the 18th June, 1968 of Industrial Engineering Department. This letter, job evaluation manual of H.S.L. and job evaluation report of Pump Attendants at different work places in Nandini Mines were filed before me. These are of course very relevant and important papers. The job evaluation is quite exhaustive and has formulated a very good scheme. The job evaluation report is of course finalised by a technical and competent expert and I do not venture to question it. But the job analysis report cannot be understood and appreciated unless job descriptions of all Pump Attendants at several work spots are made known. There may be inaccuracies in job descriptions resulting in incorrect job evaluation. Job description is a matter of fact. In fact this job description is a very important matter. For finalising job description, certain consultations with the workmen and the union are necessary. When once job descriptions are correctly arrived after mutual discussions/consultations between the concerned parties, then it is purely for the Industrial Engineering Expert to finalise the job evaluation report. It will be then purely his field. But job description is not exclusively the field of I.E. Expert. There is no record before me to show that the job description of all Pump Attendants have been arrived at after consultation/discussions with the concerned workmen/union. All workmen examined before me deposed that they were not aware of collection of job description. It means that they were not consulted. In fact such consultations are inherent in such matters. Even the job descriptions of all Pump Attendants as finalised by the Industrial Engineer who did this job analysis work had not been filed before me in spite of the suggestion made by me for their production. Their failure to file these all important and fundamental details, will only make me to come to conclusion that the job evaluation report may not be in agreement with actual job descriptions. In the absence of job description it is impossible to assess the correctness of the job evaluation report. So I am of the opinion that the job evaluation report filed by the management failed to serve any purpose. In the end, I have only to conclude that the management had not convincingly proved that they had correctly and properly carried out the job analysis work of all Pump Attendants and as such no much importance can be given to their argument that the Industrial Engineering Department had recommended upgradation of 4 Pump Attendants of 2nd bench only.

9. I will now examine the relevant portions of written arguments submitted by the management.

They have stated at length about their job evaluation manual and about the necessity to pay much weight to job evaluation reports. I agree that it is a very good document evolving a thorough method to job analysis the works of various categories of works in H.S.L and their Mines. I also agree that job analysis reports must be given much weight. But this does not automatically mean that the instant job evaluation report must be taken as the last word in this matter. They have chosen not to produce the job descriptions which the Industrial Engineer must have collected in connection with job evaluation work of all Pump Attendants at Nandini Mine. In the absence of these job descriptions, it is impossible for any one including an Industrial Expert to say whether a particular job evaluation report is correct or not. In these circumstances, I am unable to agree with the contention of the management that they had got this job analysis work done properly and that their upgrading of only 4 Pump Attendants is correct.

The management stated that the union did not employ any expert to counter the findings of their expert. Their failure to produce/file job description has itself countered their contention. They further stated that there are many contradictions in the evidence of the witnesses of the union. It is true that some witnesses had stated that work load at 2nd bench is heaviest while some others had stated that work load at crushing plant is heaviest. But all of them had categorically stated that work at all work spots is not uniform. This has also been accepted by the union. They have also examined other 2 workers of other categories (Jack Hammermen and Compressor Attendants) in order to prove that they were also on the same pay scales as Pump Attendants. Neither the union nor its witnesses contended that the work of Pump Attendants and Compressors/Jack Hammermen is of same nature. So there is no substance in this argument of the management. The management further stated that it was obligatory for the union to prove that Pump Attendants deserve upgradation. The Union stated that Pump Attendants Jack Hammermen and Compressor Attendants were on the same scale for the last so many years upto 30th December 1966. Work loads in all these categories had been increasing from time to time during the years 1965 and 1966 by way of installation of new pumps etc. So all had been demanding upgradation. Management upgraded Compressor attendants and Jack Hammermen without doing any job analysis. So union had been pleading for upgradation of Pump Attendants also. This is the case of the union. However, at the instance of the management, union agreed for subjecting the Pump Attendants for job analysis by Industrial Engineering Department, in the interest of industrial peace, vide mutual discussions of 11th January 1967 and settlement of 10th February 1968. They stated that the management had failed to carry out the spirit and terms of the said mutual discussions and settlement. This is how they have proved that the Pump Attendants deserve upgradation. Their method of proof was not entirely in a positive way; but partly by way of some comparison and partly by way of their efforts to get the work of Pump Attendants jobs analysed in the light of the said mutual discussion and settlement. So there is no much substance in this argument.

10. In the light of all the above, I do not find any reason to refuse upgradation of all Pump Attendants when all other categories of workmen like Compressor Attendants, Jack Hammermen etc. who were exactly on the same scale as pump attendants for several years right upto 30th December, 1966 were upgraded without subjecting them to job analysis by Industrial Engineer. I, therefore, answer the first part of the reference in the affirmative by holding that the demand of the union for upgradation of all the Pump Attendants at Nandini Mines is justified.

11. I now come to the 2nd part of the reference. The other categories of technical workmen like Compressor Attendants and Jack Hammermen who were in the same scale as the Pump Attendants for the last several years were upgraded to the scale of 130—170 (later revised as 135—175) with effect from 30th December 1966. Pump Attendants/Khalasis in coal mines are placed in categories 2 and 3 depending upon the power of the pump. Their basic wages per month comes to Rs. 135 to 150. Even in water supply department of Bhilai Steel Plant, the scale higher than 135—175 are prevalent as stated by the union. Management has not furnished the prevalent scales at the water works department of Bhilai Steel Plant. The present basic pay of the existing Pump Attendants ranges between Rs. 120 and 130 P.M. So the scale of 135—175 may not cause much financial burden to the management. In view of all this, I am of opinion that all the Pump Attendants at Nandini Mines should be upgraded to the scale of 135—175 with retrospective effect from 13th July 1968 (dated when parties agreed to my arbitration) and arrears paid. I award accordingly with a direction.

that the arrears of wages on this account may be paid within a month from the date of enforcement of this Award.

NAGPUR:

Dated the 30th September, 1969.

Sd/- S. SANKARAPPA,
30-9-69.

Assistant Labour Commissioner (C) &
Arbitrator.

[No. 37(33)/69-IR.IV.]

New Delhi, the 22nd October 1969

S.O. 4385.—Whereas an industrial dispute exists between the employers in relation to the managements of the Ballarpur Collieries Company, Nagpur and Sasti Colliery, Nagpur and their workmen represented by The Maharashtra Colliery Workers' Union, Ballarpur, District Chandrapur and Chandra Colliery Mazdoor Sangh, Sasti, Post Office Ballarpur, District Chanda;

And whereas the said employers and their workmen have by a written agreement, in pursuance of the provisions of sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), referred the said dispute to the arbitration by the person specified therein, and a copy of the said arbitration agreement has been forwarded to the Central Government;

Now, therefore, in pursuance of the provisions of sub-section (3) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the said arbitration agreement, which was received by it on the 18th September, 1969.

Agreement

(Under Section 10A of the Industrial Disputes Act 1947)

BETWEEN

NAMES OF PARTIES:

Representing Employers:—

1. Mr. M. K. Jha, General Manager, Ballarpur Collieries Company, Nagpur.
2. Mr. U. K. Mohanty, Manager, Ballarpur Colliery, P.O. Ballarpur, Dist. Chanda.
3. Mr. S. S. Saran, Manager, Ghugus Colliery, P.O. Maneckpur, Dist. Chanda.

Representing Workmen:—

1. Mr. V. R. Labde, Vice President, Maharashtra Pradesh Rashtriya Koyalakhan Kamgar Sangh, P.O. Ballarpur, Dist. Chanda.
2. Mr. K. Krishna Rao, President, Chanda Colliery Mazdoor Sangh, Sasti, P.O. Ballarpur, Dist. Chanda.
3. Mr. D. L. Minmule, General Secretary, Chugus Khadan Mazdoor Sangh, Chugus, P.O. Maneckpur, Dist. Chanda.
4. Mr. Ramsaiwan Singh, Secretary, Bombay Pradesh Mine-workers' Union, P.O. Ballarpur, Dist. Chanda.

In supersession of the previous agreements dated 14th August 1969 referring the dispute to the arbitration of Shri S. Sankarappa, Assistant Labour Commissioner (Central), Nagpur, the parties hereby now agree to refer the following industrial dispute to the arbitration of Shri N. M. Koyal, retired District and Sessions Judge and Deputy Secretary, Legal Department, State of Maharashtra.

(1) *Specific matters in dispute: Terms of Reference.*—Taking all circumstances relating to the working of Ballarpur Colliery & Sasti Colliery belonging to the Ballarpur Collieries Company, Nagpur—

- (1) Is the Management justified in not paying variable dearness allowance at the rates envisaged by the Wage Board recommendations as accepted by the Government of India and in paying at the rate of 0.78 paise only per attendance from 1st April 1968, the date on which they began implementation of the Wage Board Award? If not justified, what should be

the quantum of variable dearness allowance payable to their workmen from time to time from 15th August 1967?

- (2) Is the Management justified in pleading that they are unable to grant increments to their workmen as envisaged in the Wage Board recommendations? If not justified, what is the relief to which the workmen are entitled?
- (3) Is the Management justified in implementing the Wage structure of the Wage Board recommendations as accepted by the Government of India w.e.f. 1st April 1968 and in expressing inability to pay the arrears of wages due to the workmen for the period from 15th August 1967 to 31st March 1968? If not justified, to what relief are the workmen entitled?

(2) *Details of parties to the dispute including the name and address of the establishment or undertaking involved.—Name and address as above.*

Establishments:

- (1) Ballarpur Colliery, P.O. Ballarpur.
- (2) Sasti Colliery, P.O. Ballarpur.

(3) *Name of the Unions, if any representing the workmen in question.—Same as above.*

(4) *Total number of workmen employed in the undertaking affected:*

Ballarpur Colliery	..	2100 (Approx.)
Sasti Colliery	..	1250 (Approx.)

(5) *Estimated number of workmen affected or likely to be affected by the dispute.—Same as in (4) above.*

We further agree that the decisions of the arbitrator shall be binding on us.

The arbitrator shall make his Award within a period of three months or within such further period as is extended by mutual agreement between us, in writing.

Signature of Parties:

(Sd.) M. K. JHA, 13-9-69

General Manager,
Ballarpur Collieries Co.

(Sd.) U. K. MOHANTY,

Manager,
Ballarpur Colliery,
P.O. Ballarpur.

(Sd.) S. S. SARAN,
Manager,
Ghugus Colliery,
P.O. Maneckpur.

(Sd.) V. R. LABDE, 13-9-69

Vice President,
M.P.R.K.K.K. Sangh, Ballarpur.

(Sd.) K. KRISHNA RAO,

President,
Chanda Colliery Mazdoor Sangh,
Sasti.

(Sd.) D. L. MINNULE,

General Secretary,
Ghugus Khadan Mazdoor Sangh,
Ghugus, P.O. Maneckpur.

(Sd.) RAMSAJIWAN SINGH,

Secretary,
Bombay Pradesha Mine-workers'
Union, P.O. Ballarpur.

Ballarpur,

Dated: 13-9-1969.

Witnesses:

1. (Sd.) M. K. RANGANATHAN,
2. (Sd.) S. V. PAZARE.

In the matter of Arbitration

BETWEEN

Representing Employers:—

1. Mr. M. K. Jha, General Manager, Ballarpur Collieries Company, Nagpur.
2. Mr. U. K. Mohanty, Manager, Ballarpur Colliery, P.O. Ballarpur, Dist. Chanda.
3. Mr. S. S. Saran, Manager, Ghugus Colliery, P.O. Maneckpur, Dist. Chanda.

Representing Workman:—

1. Mr. V.R. Labde, Vice President, Maharashtra Pradesh Rashtriya Koyalakhadan Kamgar Sangh, P.O. Ballarpur, Dist. Chanda.
2. Mr. K. Krishna Rao, President, Chanda Colliery Mazdoor Sangh, Sasti, P.O. Ballarpur, Dist. Chanda.
3. Mr. D. L. Minmule, General Secretary, Ghugus Khadan Mazdoor Sangh, Ghugus, P.O. Maneckpur, Dist. Chanda.
4. Mr. Ramsajwan Singh, Secretary, Bombay Pradesh Mine-workers' Union, P.O. Ballarpur, Dist. Chanda.

I, N. M. Koyal, Retired District and Sessions Judge and Deputy Secretary, Law & Judiciary Department, Government of Maharashtra, agree to act as Arbitrator in the matter between the above parties referred to me for Arbitration under Agreement dated 13th September, 1969.

(Sd.) N. M. KOYAL,

14-9-1969

[No. 1/13/69-RR.II.]

S.O. 4386.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Presiding Officer, Central Government Industrial Tribunal, Dhanbad, in the matter of an application under section 33A of the said Act, from Shri U. P. Singh, Compounder, National Mineral Development Corporation Hospital, Post Office Kiriburu, which was received by the Central Government on the 13th October, 1969.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, AT
DHANBAD

COMPLAINT No. 8 of 1968

In the matter of a complaint under Section 33A of the Industrial Disputes Act, 1947
in the matter of Reference No. 44 of 1968.

PRESENT:

Shri Kamla Sahai, Presiding Officer.

APPEARANCES:

On behalf of the employers—Shri Radha Raman, Advocate.

On behalf of the complainant—Shri Mangal Pd. Mishra, Advocate.

STATE: Bihar

INDUSTRY: Coal

Dhanbad, the 10th October, 1969

AWARD

This is an application by Shri U. P. Singh, compounder, employed in the Kiriburu Hospital attached to Kiriburu Iron Ore Mines, National Mineral Development Corporation, Limited. He applied for the post of compounder and, in due course, received the appointment letter (Ext. W.1) dated the 16th August, 1967. He joined his duties as a compounder with effect from 17th October 1967. On the 20th September, 1968, he applied for 2 days' casual leave with effect from the 29th September. The leave applied for was granted. He applied for leave from time to time and continued to be on leave until the 31st October, 1968 when he submitted his joining report to the Doctor. Immediately thereafter, the Doctor served upon

him a letter (Ext. W.3) signed by the Assistant Administrative Officer which was as follows:

“In pursuance of clause 3 of the appointment letter No. KP-5(30)/67-Adm. I/2562 dated 16th August 1967, the services of Shri U. P. Singh, compounder are terminated w.e.f. 17th October 1968 (A.N.).

He will be paid one month's pay in lieu of notice.

By order of the General Manager.”

The result was that Shri U. P. Singh's services stood terminated under the letter referred to above. On the 15th November, 1968, he filed the present application under Section 33A. He did not say anything important in that petition. In the course of other petition, however, which he filed, he referred to the fact that a charge-sheet had been served upon him but he had filed an application before the Administrative Officer for getting the enquiry held in a particular mode but he did not know what happened to that application or in the course of the enquiry. In any case, that is not very relevant because the management does not allege that it terminated the services of the complainant, Shri U. P. Singh, for any misconduct.

The short preliminary point which Shri Radha Raman, Advocate, has taken on behalf of the management is that this application is not maintainable. He has drawn my attention to sub-section (2) of Section 33 which reads as follows:

“(2) During the pendency of any such proceeding in respect of an industrial dispute, the employer may, in accordance with the standing orders applicable to a workman concerned in such dispute or where there are no such standing orders, in accordance with the terms of the contract, whether express or implied, between him and the workman—

- (a) alter in regard to any matter not connected with the dispute, the conditions of service applicable to that workman immediately before the commencement of such proceeding, or
- (b) for any misconduct not connected with the dispute, discharge or punish, whether by dismissal or otherwise, that workman.

Provided that no such workman shall be discharged or dismissed, unless he has been paid wages for one month and an application has been made by the employer to the authority before which the proceeding is pending for approval of the action taken by the employer.”

His contention is that clause (a) has no application to the facts of this case and that clause (b) comes into play only if the discharge or dismissal of the workman concerned is on account of any misconduct. He has argued that since it is neither the complainant's case nor the management's case that the complainant was discharged on account of misconduct, clause (b) of sub-section (2) also does not apply. He has further argued that Section 33A applies only when the employer contravenes any provision of Section 33. According to him, the management could only be said to have contravened clause (b) of sub-section (2) of Section 33 and no other provision of that section but, since the discharge in question is not for misconduct, even clause (b) of sub-section (2) has no application.

It seems to me that the argument of Shri Radha Raman as put in the preceding paragraph is well-founded and must be upheld. Whatever other remedy the complainant may have in any properly constituted proceeding, he cannot maintain this application under Section 33A. I have, therefore, come to the conclusion that this application is liable to be dismissed on this preliminary point.

Let a copy of this Award be submitted to the Central Government under section 33A.

(Sd.) KAMLA SAHAI,
Presiding Officer,
Central Government Industrial Tribunal,
Dhanbad.

[No. 24/67/69-LR.IV.]

New Delhi, the 23rd October 1969

S.O. 4387.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award in the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Parbelia Colliery of Messrs Bengal Coal Company Limited, Post Office Dishergarh, District Burdwan and their workmen, which was received by the Central Government on the 10th October, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA.

REFERENCE NO. 52 OF 1969.

PARTIES:

Employers in relation to the management of Parbelia Colliery of M/s. Bengal Coal Company Limited.

AND

Their workmen.

PRESENT:

Shri B. N. Banerjee, Presiding Officer.

APPEARANCES:

On behalf of Employers.—Sri B. N. Lala, Assistant Security Officer.

On behalf of Workmen.—Shri L. P. Tripathi, Vice-President, Colliery Mazdoor Union.

STATE: West Bengal.

INDUSTRY: Coal Mines.

AWARD

By Order No. 6/35/69-LRII, dated July 7, 1969, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred an industrial dispute between the employers in relation to the management of Parbelia Colliery of Messrs Bengal Coal Company Limited and their workmen, to this Tribunal, for adjudication, namely:

“Whether the monthly paid workmen of Parbelia Colliery owned by Messrs Bengal Coal Company Limited, Post Office Dishergarh, District Burdwan have in any way been adversely affected in their privileges regarding entitlement or grant of leave with full pay including sick leave on and from the 15th August, 1967? If so, to what relief are they entitled?”

2. Parties filed their respective written statement. On the date of peremptory hearing, however, they filed a petition of settlement praying for an award in terms of settlement. Now, that I find that the settlement has settled the dispute between the parties, I make an award in terms of the settlement. Let the joint petition of compromise form part of this award.

October 6, 1969.

(Sd.) B. N. BANERJEE,
Presiding Officer.

BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL, CALCUTTA.

REFERENCE NO. 52 OF 1969

PARTIES:

Employers in relation to Parbelia Colliery of M/s. Bengal Coal Co., Ltd., P. O. Disergarh, Distt. Burdwan (West Bengal),

AND

Their workmen represented by the Colliery Mazdoor Union, Parbelia Colliery Branch, P.O. Neturia, Distt. Purulia (West Bengal).

Joint Petition of Compromise

The parties aforesaid respectfully beg to submit as under:—

1. By its order No. 6/35/69-LRII, dated 7th July, 1969, published in the Gazette of India, Part II, Section 3(ii), dated 19th July, 1969 at page 3055 under S.O. No. 2920, dated 7th July 1969, the Government of India had referred the following dispute to this Tribunal for adjudication:—

“Whether the monthly paid workmen of Parbela Colliery owned by Messrs. Bengal Coal Company Limited, Post Office Disergarh, District Burdwan have in any way been adversely affected in their privileges regarding entitlement or grant of leave with full pay including sick leave on and from the 15th August, 1967? If so, to what relief are they entitled?

2. That, however, without prejudice to their submissions contained in their respective written statements before the Tribunal, the parties concerned in the matter have, after mutual negotiation between themselves, arrived at a settlement as hereinafter submitted.

Terms of Settlement

(a) It is agreed that in the present dispute only the monthly paid workmen specified in Lists Nos. 1 and 2 attached hereto are concerned and that no other workman who is not specified in the aforesaid two lists is entitled to any benefit under the terms of this settlement.

(b) It is further agreed that the workmen mentioned in list No. 1 shall continue to enjoy 30 days' leave including sick leave with pay in any calendar year from 1st January to 31st December provided they put in minimum number of attendances during the period as required under section 52(2) of the Mines Act, 1952.

(c) It is further agreed that if any of the workmen mentioned in list No. 1 fails to qualify for leave under section 52(2) of the Mines Act, 1952, he shall only be entitled to avail of sick leave with pay for a total period of fifteen days in any calendar year irrespective of whether he falls sick at the colliery or outside provided his sickness is certified either by the colliery medical officer or by any registered medical practitioner if the services of the former are not available for any reason whatsoever and the colliery medical officer countersigns the certificate issued by such registered medical practitioner.

(d) It is further agreed that the workmen mentioned in the aforesaid list No. 2 shall be entitled to avail of sick leave with pay upto a maximum period of fifteen days in a calendar year irrespective of whether they fall sick at the colliery or outside, provided their sickness is certified by either the colliery medical officer or by any registered medical practitioner, if the services of the former are not available for any reason whatsoever and he countersigns the certificates granted by the registered medical practitioner.

(e) It is further agreed that besides the sick leave mentioned in para 2(d) above, the workmen mentioned in the aforesaid list No. 2 shall be entitled to avail of annual leave with pay according to the relevant provisions of the Mines Act, 1952.

(f) It is further agreed that this settlement shall be given effect to from 15th August, 1967.

(g) It is further agreed that the parties shall bear their own costs of the present proceedings.

(h) In view of the settlement in terms aforesaid, the workmen hereby declare that their dispute with the employers in the matter of the present reference does not subsist any longer.

(i) The workmen further declare that they have no other dispute with the employers in respect of the present reference which has been totally resolved as aforesaid.

3. The parties aforesaid, therefore, pray that the Tribunal may be pleased to accept the above settlement in full and final disposal of the reference and may be further pleased to give its award in terms thereof.

For the Workmen.

(L. P. TRIPATHI),

Vice-President,
Colliery Mazdoor, Union.

For the Employers.

(Sd.) B. N. LALA.

Asstt. Security Officer, Bengal Coal Co.,
Ltd.

Dated the 4th October, 1969.

PARBELIA COLLERY

List of monthly paid staff

LIST NO. 1

S.I. No.	Name	Designation
1	Shri Kalo Chakrabarty	Lamp Chargeman
2	„ Bhuban Chatterjee	Head Electrician
3	„ Murali Kumbhakar	Asstt. Foreman (Elec.)
4	„ M. N. Sarkar	Head Overman
5	„ Balwant Singh	Do.
6	„ P. C. Chatterjee	Do.
7	„ H. P. Chatterjee	Do.
8	„ Jogdeo Singh	Do.
9	„ A. P. Lala	Do.
10	„ Rewat Singh	Overman
11	„ Banta Singh	Do.
12	„ P. N. Sarkar	Do.
13	„ Mathura Singh	Do.
14	„ Ramdeo Gope	Do.
15	„ Binda Singh	Do.
16	„ Nem Singh	Do.
17	„ Bagala Sarkar	Storekeeper
18	„ A. N. Goswami	Timekeeper
19	„ L. P. Tripathi	General Clerk
20	„ Mahadeb Roy	Do.
21	„ Bhudeb Kabi	Do.
22	„ Sheo Gobind Singh	Asstt. Despatch Clerk
23	„ S. C. Dutta	Do.
24	„ K. K. Chatterjee	Loading Clerk
25	„ Mahadeb Chatterjee	General Clerk
26	„ Degambar Singh	Asstt. Gomosta
27	„ Ram Singh	Peon
28	„ Mati Khan	Peon
29	„ Dipan Sao	Peon
30	„ Deolal Tewary	Peon
31	„ Ramsari Khan	Peon
32	„ R. P. Chakrabarty	Lamp Room Incharge
33	„ Bhupati Sarkar	Register Keeper

LIST NO. 2

1	Shri Kalo Chakrabarty	W. E. Khalasi
2	„ Alam Hossen	Do.
3	„ Alam Basir	Do.
4	„ Hanif Mia	Do.
5	„ Kista Das	Do.
6	„ Kalo Bouri	Do.
7	„ Hiraman Singh	Tyndal Jamadar
8	„ Raghu Rajak	Do.
9	„ Pag Singh	Do.
10	„ Chur Singh	Do.

Sl. No.	Name	Designation
11	Bandhu Singh	B/Smith Supervisor
12	Jotilal Dutta	Lamp Chargeman
13	Shanoo	P. H. B. Attendant.
14	Lalu Dutta	Canteen Cook
15	Sehu Dey	Canteen Boy
16	Sudhir	Do.
17	Srinath Choubey	Foreman (Elec)
18	R. N. Singh	Do.
19	R. K. Dey	Asst. Foreman (Elec)
20	Subodh Chatterjee	Electrician
21	Nishakar	Do.
22	Himangsu Kabi	Do.
23	Mantoo Sarkar	Do
24	Biswanath	Do.
25	R. R. Paul	Improver (Elec)
26	Dulal Hazra	Do.
27	Sambhu Nath	Do.
28	P. N. Tewari	Do.
29	Abdul Khair	Do.
30	S. S. Sarkar	Loco Fitter Incharge
31	Dhiren Chatterjee	Mech. Fitter
32	Sadanand	Do.
33	Naren Biswas	Do.
34	Ghenu Ram	Do.
35	Arjun Sarkar	Do.
36	Narad Mallik	Do.
37	Sasti Kabi	Do.
38	Sasti Karmakar	Do.
39	Hari Charan	Do.
40	Rajnath	Pipe Fitter
41	Kista Acherjee	Conveyor Fitter
42	Sambhu Prosad	Do.
43	Babulal Dome	Mech. Fitter
44	Sakar Ali	Do.
45	H. C. Dubey	Do.
46	Bhuben Ojha	Do.
47	Mahender Singh	Do.
48	Swaran Singh	Do.
49	Baramdeo	Do.
50	Bhuben Nanko	Do.
51	Ramjit Singh	Latheman
52	H. P. Mondal	Do.
53	Sarada	Do.
54	Mongal Singh	Welder
55	Ramakanta Ojha	Pit Munshi
56	Sudhakar	Do.
57	H. P. Sen	Do.
58	Abhimanya	Do.
59	G. B. Majhi	Do.
60	Umapada Char	Do.
61	Damodar Banerjee	Do.
62	S. Chakravarty	Do.
63	Binod Mondal	Do.
64	Jagdish Singh	Do.
65	Sibapada	S. L. Sircar
66	G. N. Kabi	Do.
67	Ladu Singh	Trammers Sirdar
68	Feku Khan	Do.
69	Mukshod	Do.
70	Md. Islam	Do.
71	Md. Hussen	Do.
72	Rahmat Mia	Traffic
73	Santo Jadab	Do.
74	S. P. Tafaar	U. G. Assistant
75	J. P. Singh	Head Overman

Sl. No.	Name	Designation
76	Shri D. N. Mukherjee	Overman
77	” A. K. Chatterjee	Do.
78	” G. B. Chakravarty	Do.
79	” S. Pandey	Do.
80	” Degon Singh	Mining Sirdar-cum-Shotfirer
81	” Uzir Mondal	Do.
82	” U. R. Mazumdar	Do.
83	” Bhuneswar Chamar	Do.
84	” Hulash Barhi	Do.
85	” Sheru Chamar	Do.
86	” Rojan Mia	Do.
87	” Hari Jaswara	Do.
88	” Lachmi Mondal	Do.
89	” D. D. Mukherjee	Do.
90	” Ramsevak Singh	Do.
91	” Topi Mondal	Do.
92	” Ramprosad Singh	Do.
93	” D. Roy	Do.
94	” R. P. Banerjee	Do.
95	” Lerkhu Hazra	Do.
96	” Manoranjan Roy	Do.
97	” Gobardhan Ganguly	Do.
98	” Khoaka Hari	Do.
99	” Monji Jadav	Do.
100	” Deby Bouri	Do.
101	” Ranji Mehera	Do.
102	” Rambilash Nunia	Do.
103	” Lakh Singh	Do.
104	” Mohadeb Mukherjee	Do.
105	” Muneshwar Jasowara	Do.
106	” Jiblal Mondal	Do.
107	” Baijnath Mondal	Do.
108	” Lachman Mahato	Do.
109	” Bhanu Mondal	Do.
110	” Nageswar Giri	Do.
111	” Sudhir Roy	Do.
112	” Jagarnath Patra	Do.
113	” Baleswar Singh	Do.
114	” Prosadi Singh	Do.
115	” Badri Hazam	Do.
116	” Shyamal Barhi	Do.
117	” Ali Johur	Do.
118	” S. P. Banerjee	Do.
119	” Khedu Mondal	Do.
120	” Ramdhari	Do.
121	” Dukhi Muchi	Do.
122	” Hiralal Singh	Do.
123	” Ramdhani Show	Do.
124	” Suleman Mia	Do.
125	” Rajeswar Ojha	Do.
126	” Lakhman Mahato	Do.
127	” Gambhar Ali	Do.
128	” Sunil Dey	Do.
129	” P. N. Singh	Do.
130	” Musafir Gope	Do.
131	” Rajkumar Singh	Do.
132	” Megharam Jat	Watch & Ward
133	” Reghu Singh	L/Naik
134	” Jognarain Singh	Watchman
135	” Bahadur Singh	Do.
136	” Amla Singh Thapa	Do.
137	” Nandadulal Chatri	Do.
138	” Jowand Singh	Do.
139	” Sitaram Halowai	Do.

Sl. No.	Name	Designation
140	Shri Jang Bh. Gurung	Watchman
141	„ Dil Bahadur	Do.
142	„ Joginder Singh	L/Naik
143	„ Marcus Hansdak	Watchman
144	„ Jang Bh. Pun	Do.
145	„ Man Bh. Gurung	Do.
146	„ Harka Bahadur	Havildar
147	„ Kalika Ojha	Watchman
148	„ Pirjong	Do.
149	„ R. K. Sharma	Do.
150	„ R. K. Ghosh	Head Clerk
151	„ Muruli Paul	Conit Opt.
152	„ D. Sengupta	Asst. Hd. Clerk
153	„ N. G. Roy	Gl. Clerk
154	„ S. N. Chakravarty	Do.
155	„ G. Bhattacharjee	Do.
156	„ B. Banerjee	Do.
157	„ H. C. Majhi	Do.
158	„ Kamalskanta Jha	Asst. Loading Clerk
159	„ Darogi Roy	Do.
160	„ Rambhaju	Loading Clerk
161	„ K. S. Chatterjee	Asst. Storekeeper
162	„ G. C. Basu	P. F. Clerk
163	„ G. H. Mukherjee	Typist
164	„ Debendra Singh	Stores Clerk
165	„ B. N. Chatterjee	Loading Clerk
166	„ Bartadeo Singh	Asst. Loading Clerk
167	„ Balaram Chatterjee	Gl. Clerk
168	„ Rajendra Prosad	Do.
169	„ Sahadeb Dome	Car Driver
170	„ Gokul Singh	Recruitor
171	„ Sahadeb Bouri	Mazdoor
172	„ B. Hansdak	L. O.
173	„ Suresh Ch. Paul	Canteen Manager
174	„ Gita Ghatak	Creche Nurse
175	„ Menoka	Creche Ayah
176	„ Fulmoni	Do.
177	„ Sitaram Singh	Peon
178	„ Kailash Routh	Peon
179	„ Deo Nandan	Peon
180	„ Sheo Narayan	Peon
181	„ Remasist Singh	Peon
182	„ Ch. Ramprovesh	Peon
183	„ Suruj Gope	Peon
184	„ Rambrich	Peon
185	„ B. Ram Prosad	Peon
186	„ Daroga Singh	Peon
187	„ Kailash Tewary	Peon
188	„ Suruj Bhaget	Peon
189	„ Shew Pujan Singh	Peon
190	„ Kashinath Ojha	Peon
191	„ S. N. Chakravarty	Lamp Room Incharge
192	„ B. T. Choudhury	Register Keeper
193	„ Satish Sarkar	Do.
194	„ S. P. Kabi	Do.
195	„ Felaram	Do.
196	„ Kanai Lal Kabi	Do.
197	„ Adhir Kabi	Do.
198	„ Jagdish Rai	Do.
199	„ Anil Sarkar	Lamp Fitter
200	„ Sudhakar	Do.

New Delhi, the 24th October 1969

S.O. 4388.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Sijua Colliery of Messrs Tata Iron and Steel Company Limited, Post Office Jealgora, District Dhanbad and their workmen, which was received by the Central Government on the 10th October, 1969.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

In the matter of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 27 of 1968

PARTIES:

Employers in relation to the Sijua Colliery of M/s. Tata Iron and Steel Co. Ltd., Jamadoba Colliery and their workmen.

PRESENT:

Shri Kamla Sahai.—Presiding Officer.

APPEARANCE:

On behalf of the Employer.—L. H. Parbatiyar, Legal Assistant.

On behalf of the Workmen.—Shri Lalit Burman, Advocate.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, the 6th October, 1969

AWARD

By order No. 2/37/68-LRII, dated the 24th April, 1968, the Central Government, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), has made this reference to this Tribunal for adjudication of a dispute described in the schedule as follows:—

SCHEDULE

“Whether the action of the management of Sijua Colliery of Messrs Tata Iron and Steel Company Limited, Post Office Jealgora, District Dhanbad in dismissing Shri Saran Singh, Watchman from service with effect from the 16th October, 1967, was justified? If not, to what relief is the workman entitled?”

2. The facts of the case are brief. On the 6th April, 1967, Shri Saran Singh, the workman in question was on duty as a watchman, at the front gate of the Sijua Colliery in A shift. At about 12-30 P.M., a truck bearing No. BRR-6690 came with coal from the quarry side. That truck is run by contractors named Md. Kuddus and Sons. It was being driven at the time by Trilock Singh, Driver. Shri Saran Singh stopped the truck inside the front gate. Trilock Singh got down from his truck as a truck of Shri Khalil, contractor, was taking bricks near 15 Pit; and asked him to bring tea for him (the driver) and also for the watchman. When Trilock Singh was making over the money to Saran Singh, Shri A. S. Gandhi, Under Manager, Shri B. K. Sen, Safety Officer, and Shri B. E. Choksey, Assistant Manager, saw the payment. On their questions, Saran Singh showed them the amount of 40 n.p. and told them that the Driver had given him the money for bringing tea for both of them. Shri A. S. Gandhi recorded the statement of Saran Singh and reported the matter. Charge-sheet No. 32/67 dated the 20th/26th May, 1967, (Ext. M1) was drawn up against Saran Singh and he gave a reply. Inquiry was held by Shri M. P. Verma, then Personnel Officer of the Sijua Colliery and now Officer of West Bokaro Colliery, who has been examined before me as MW. 1. He reported that the charge had been established against Saran Singh.

3. The Chief Personnel Officer, Shri G. Prasad, of the Tata Iron and Steel Co., sent a letter (Ext. M13) to Shri M. P. Verma saying that an essential feature of bribe was that the man who pays the money expect to gain some benefit. He asked the enquiring officer to make further enquiry into the matter.

4. Shri M. P. Verma then made further enquiry on the 8th September and held that Shri Saran Singh was in a position to give benefit to the truck driver and consequently to the contractor whose truck-driver he was.

5. In view of the finding of the enquiry officer, the Chief Mining Engineer dismissed Shri Saran Singh from the Steel company's service with effect from the 16th October, 1967. A communication (Ext. M8) was sent to Shri Saran Singh accordingly.

6. When Shri A. S. Gandhi questioned Shri Saran Singh he frankly showed the amount of 40 paise which he had received from the truck driver and stated that the driver had told him to bring tea for both of them with that money. It is difficult to see how the three officers, Shri Gandhi, Shri Sen and Shri Choksey, did not believe his statement about the errand to bring tea.

7. When the Enquiring Officer, Shri M. P. Verma, examined Shri A. S. Gandhi on the 8th July, 1967, the latter repeated that Shri Saran Singh had shown 40 paise in his hand to him and had told him that the money was given to him for bringing tea for himself and the driver. When the enquiring officer asked him whether he made an enquiry from Tirlock Singh also, he said that Tirlock Singh also said in reply to a question that he had given money to Shri Saran Singh to bring tea for both. Thus, Shri Saran Singh's story was fully supported on the spot by Tirlock Singh. Sarvashri Sen and Choksey have said nothing to the contrary. It is true that Shri Saran Singh has said in his statement before the enquiring officer that the driver gave him the money with instruction to hand it over to his Khalasi for taking tea himself and for giving tea to his (driver's) guest. This has been characterised by the enquiry officer as an after-thought but I do not see how the original story of Shri Saran Singh, supported as it was by Tirlock Singh should not have been accepted by the enquiry officer as correct.

8. In any case, no evidence came before the enquiring officer about the fact that Shri Saran Singh could give the driver of the contractor any benefit in return for payment of 40 paise to him. This was also pointed out by Shri G. Prasad and this led to a further enquiry by the enquiring officer. Even thereafter, all that the witnesses said was that the watchman might give some benefit to the truck driver for instance, Shri Choksey said that motive of the watchman might have been to pass under-loaded trucks or over loaded trucks. When cross-examined by Shri Saran Singh, Shri Choksey admitted that he never found under loading or over reporting of quarry trucks in Shri Saran Singh's shift. Thus Shri Choksey had no basis for his assumption that Saran Singh might make false reports.

9. Shri A. S. Gandhi also said that a watchman could allow under-loaded trucks to pass through the gate. He had also no basis for such a supposition because he had admitted in cross-examination that he never had any complaint against Shri Saran Singh for over reporting or passing underloaded trucks. In cross examination, he has said that the watchman is not the only person whose duty it is to check the load of coal carried in a truck. He has also said that the loading clerk, besides the watchman, is also supposed to check the load of coal brought in a truck.

10. I have examined the entire evidence produced before the enquiring officer and I am unable to find any evidence adduced before him to prove that the watchman was in a position to give un-due advantage to the truck driver and that that must have been the reason for payment of illegal gratification. What appears to have happened in this case is that three officers saw 40 paise being given by a truck driver to a watchman and they as well as other officers like the enquiring officer jumped to the conclusion that the amount must have been paid as illegal gratification, though Shri Saran Singh as well as Trilock Singh gave them a very reasonable explanation. One matter of probability which they should have considered was that Shri Saran Singh was not likely to have accepted illegal gratification within the sight of 3 of his superior officer. The most important point, however, is that there was no evidence at all of a positive character to prove that the watchman was in a position at the time of occurrence to give undue advantage to the driver and that it was for that reason that the driver gave illegal gratification to the watchman. I, therefore hold that the enquiry officer had no evidence on which he could find Shri Saran Singh to be guilty of receiving illegal gratification from Trilock Singh. His finding to that effect is perverse. That being so, I further hold that the dismissal of Shri Saran Singh with effect from the 16th October, 1967, is not justified. He is, therefore, entitled to the relief that he

should be re-instated in the service which he hold on the date of his dismissal with continuity of service and full back wages.

11. This is my award. Let a copy of it be submitted to the Central Government under Section 15 of the Industrial Disputes Act.

(Sd.) KAMAL SAHAI,
Presiding Officer.
[No. 2/37/68-LRII.]

New Delhi, the 27th October 1969

S.O. 4389.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur, in the matter of an application under Section 33A of the said Act from Shri Baldeo Prasad Verma represented by the General Secretary, Choona Mazdoor Sangh, Maihar, District Satna (Madhya Pradesh), which was received by the Central Government on the 14th October, 1969.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR.

Dated September 30, 1969.

PRESENT:

Shri G. C. Agarwal,—Presiding Officer.

1. CASE No. CGIT/LC(A)(4)/1969 L/s 33-A I.D. ACT.

AND

2. CASE No. CGIT/LC(C) (751) /1969 U/s 33-C(2) I.D. ACT.

PARTIES:

Shri Baldeo Prasad Verma, C/o. The General Secretary, Choona Mazdoor Sangh, Maihar, Distt. Satna (M.P.)—Complainant.

Versus 1

M/s. Diwan Lime Co., Maihar, Distt. Satna (M.P.)—Opp. Party.

APPEARANCES:

For workman—Shri R. D. Nigam, General Secretary, Choona Mazdoor Sangh, Maihar, Distt. Satna.

For Opp. Party—Shri R. N. Rai, Officer of the Association of the Industrial and Commercial Employers, Delhi.

INDUSTRY: Limestone.

DISTT: Satna (M.P.)

ORDER

These are two cases arising out of two applications filed by Shri Baldeo Prasad Verma against the management of M/s. Diwan Lime Co., Maihar. Case No. CGIT/LC(A)(4)/69 is a complainant under Sec. 33-A I.D. on the ground that during the pendency of reference case No. CGIT/LC(R)(49)/68 in which he was a concerned workman, the Opp. Party terminated the service of the complainant and dismissed him on 1st February 1969, thereby committing a breach of Sec. 33(2)(b) I.D. Act. Case No. CGIT/LC(C)(751)/69 is an application under Sec. 33-C(2) I.D. Act in which he claims certain benefits to be computed. They are benefits of the first and second interim relief of the Wage Board for Limestone and Dolomite Mining Industry which the management agreed to pay as a result of conciliation settlement dated 7th May, 1965 and agreement dated 13th January, 1967. Over and above this, statutory bonus for the years 1967-68 and 1968-69 as also some T.A. bills and overtime wages are claimed. In both these cases the principal question is whether the applicant is a "workman" within the meaning of Sec. 33 and 33-C.I.D. Act. The parties gave a joint statement on 26th September 1969 that for determination of this question, evidence may be recorded jointly. As such, the evidence was taken in the complaint Case No. CGIT/LC(A)(4)/69 which is to be read in the computation case No. CGIT/LC(C)(75)/69 also.

2. The Company, M/s Diwan Limestone Company, is a partnership firm owned by Diwan Chand Trust with its head office at Delhi. It has various establishments. The Company has two limestone mines, namely, Amilia situated at a distance of

about 4 miles from Maihar and Bhatia limestone mine which is at a distance of about 8 or 9 miles away from Maihar. The Company has a number of kilns or factories for manufacture of lime at Maihar, Jukehi, Santa and Katni. At Maihar, the company has a General Office with a complement of 11 staff members (Ex.E/17). Shri Baldeo Prasad Verma was one of them and had the designation of Accountant. He had admittedly been working in this General Office, as admitted by him, from at least 1964. Before that, he seems to have worked at the Mines Office of Amilia limestone mine for a certain number of years. As a matter of fact, he originally appointed for Amilia limestone mine as a Record-keeper on 1st July 1941 as would appear from an order of the General Manager dated 2nd January, 1951 (Ex.W/38). The Amilia Limestone mine has a small mine office at the surface which has a complement of six employees (Ex. E/18). They are the Quarry Manager, Mates, Munshi, Chowkidar and Compressor Driver. It appears that Shri B. P. Verma had been doing accounting work in the General Office both for the mines governed by Mines Act and the kilns governed by the Factories Act. This is manifest by an office order dated 6th April, 1966. (Ex. W/2) filed by Shri B. P. Verma himself. The duties he was required to order are enumerated as follows:—

“To maintain receipt, despatch, R/R and file registers. To prepare all Government returns pertaining to Mines and Factories and to prepare and submit in time all royalty statements of both the units. To check cash and the chitthas and bills and to write day books.”

That his duty was not wholly confined to mine work is also admitted by him in cross-examination. He admitted that in the general office both kiln and mine work used to be rendered and for accounting work, he used to be called to head office also. He further admitted that he had not been going to mines for measurement or any work for the last few years. Undisputedly however he had also been doing some office accounting work connected with the mines. It was admitted by Shri R. L. Nanda, who is an Agent for both the mines and Factory Manager for the kilns at Maihar, that after figures were received from mines, Shri B. P. Verma used to compile and prepare statutory returns including calculation work of royalty. With these established facts, it has to be seen whether Shri B. P. Verma is a “workman” within the meaning of Sec. 33 and 33-C. Under Sec. 33 during the pendency of any proceeding in respect of an industrial dispute an employer may punish a workman concerned with the dispute though not connected therewith, with the approval of the tribunal before which the industrial dispute is pending. In case of breach, Sec. 33A is attracted. It follows, therefore, that in order to determine the status of the “workman” the definition in Sec. 2(s) which means any person employed in any industry, as also the definition of “industrial dispute” as stated in Sec. 2(k) and the definition of “industry” as laid down in Sec. 2(j) will be taken into account. For an application under Sec. 33-C the workman has to apply to such Labour Court as may have been specified in this behalf by the appropriate Government. Consequently, both for Sec. 33 and 33-C the definition of “appropriate Government” under Sec. 2(a) will also have to be taken into account which means the Central Government under Sec. 2(a) (1) for certain specified industries including mine and under Sec. 2(2) in relation to any other industrial dispute, the State Government. The question, therefore, is whether Shri B. P. Verma was employed in a mining industry. Mine has the same meaning under Section 2(1b) I.D. Act as in Mines Act. It is defined in Clause (j) of sub-section (1) of Sec. 2 of the Mines Act, 1952. Consequently, it has to be seen whether Shri B. P. Verma is a workman employed in a mine as defined by Sec. 2(j) of the Mines Act. Out of the ten categories mentioned in Sec. 2(j) the last tenth category could possibly be relevant which runs as follows:—

“2(j) “Mine”, means any excavation where any operation for the purpose of searching for or obtaining minerals has been or is being carried on, and includes—

(x) unless exempted by the Central Government by notification in the official Gazette, any premises or part thereof, in or adjacent to and belonging to a mine, on which any process ancillary to the getting, dressing or preparation for the sale of minerals or coke is being carried on;”

It is difficult to accept the contention that just because Shri B. P. Verma was doing a part of compilation work connected with the mines he should be deemed to have been rendering “any process ancillary to the getting, dressing or preparation for the sale of minerals.” The staff employed at the mine office may be covered under this definition but certainly for the general office at Maihar situated nearly 4 to 5 miles away from Amilia mine premises, can by no stretch of imagination be included in the definition of “mines” particularly when the staff is a combined one for the factory and the mine. It is a separate and distinct establishment which would of

course be covered by the wide definition of "industry" but for which the appropriate government would be the State Government and not the Central Government. The definition of an appropriate Government itself indicates that the Central Government reserved its powers for certain specified industries while the residuary industries were all left to be dealt with by the State. There is no direct case on the point but the observation of the Hon'ble Supreme Court in Serajuddin and Company Vs. Their workmen reported in 1962(I)LLJ p. 450 has a strong bearing on the point. That was a case before the definition of mine was introduced in the I.D. Act. Even so, their Lordships imported the meaning of the word "mine" as stated in the Mines Act. There was a reference made with regard to certain demands made by the Head Office of the Company by the Government of West Bengal. The Company had chromite and manganese mines in the State of Orissa, but the Calcutta office about which was the reference, exercised general control over the mining operation and looked after the sale of minerals produced in the said mines. In spite of the fact that the company was not engaged in any manufacturing process and its office in Calcutta dealt with the supervision and sale of minerals only the Hon'ble Supreme Court nevertheless held that the Central Government was not the appropriate Government but a reference had correctly been made by the West Bengal Government. After examining the scheme of the Act, the following pertinent observation was made. "It may be that some of the work done in the office of the mine situated at the surface of the mine may be incidental to be connected with the mining operations as e.g., keeping muster roll of workmen or payment register maintained for them. Clerks engaged in such type of work may be said to be persons employed in a mine; but the work in the head office with which we are directly concerned in this appeal is wholly unconnected with mining operations." Patna High Court in Khas Jeenagora Coal Company (P) Ltd., Vs. Salim M. Merchant and another reported in 1965(II) LLJ p. 302 had occasion to consider the question of an employee working with the Director of the transferring Company. The Hon'ble High Court, assuming that the bungalow of the Director and the premises of the mine were adjacent, held that unless it was shown that on those premises any process ancillary to the getting of minerals was being carried on, the said premises could not be covered by definition of mine under the Act. Serajuddin's case (supra) was considered and referred in this case. For the applicant-complainant, there can be two cases which have some bearing. In J. K. Cotton Spg. and Wvg. Co. Ltd. Vs. L. A. T. 1963 (II)LLJ 436, the question was whether malis employed at the bungalows of the officers were employed in an industry. That was a case in which the interpretation of a certain Government Order of U.P. Government dated 6th December, 1948 had to be interpreted and the argument was that the aforesaid G.O. applied to only industrial employees and the malis were not such employees within the meaning of the said order. The argument was rejected and it was held that the work of malis were incidental to the industrial operation. That case, therefore, has no application because the question involved was regarding definition of "industry" and not "mine". In Ballarpur Collieries Vs. State Industrial Court Nagpur reported in 1968(I)LLJ p. 425 the Hon'ble Supreme Court considered the applicability of a notification under Central Provinces and Berar Industrial Disputes Settlement Act (Act 23 of 1947) and held that the said notification exempted industry of mine and therefore the State Government had no jurisdiction in respect of an employee working in the Head Office at Nagpur. This case is thus easily distinguishable. It may be noticed that the Ballarpur Collieries Company like the Serajuddin and Company were engaged only in the extraction and sale of minerals and there was no manufacturing process as in this case.

3. In view of what has been discussed above Sri B. P. Verma cannot be deemed to be a workman employed in an industry for which this tribunal-cum-court has been constituted by the appropriate Government. The reference in Case No. CGIT/LC/(R)(49)/68 on basis of which Sri B. P. Verma has filed a complaint under Sec. 33-A was only with regard to implementation of the second interim relief for workmen in limestone quarries of certain employers including the opposite party. Before he could be deemed to be a concerned workman he had to establish that he was a workman as envisaged for purposes of Section 33 I. D. Act read with the definition of workman under Sec. 2(s) and industry and industrial dispute as mentioned in Sections 2(j) and 2(k) together with the definition of appropriate Government under Sec. 2(a) of I. D. Act. The general office which deals both with kilns and quarries shall be deemed to be a separate establishment and for which Sri B. P. Verma can have relief, if any, under Sec. 33-C by approaching the Labour Court under the State Government but not with this Court. As for his complaint under Sec. 33A, since the reference was with regard to interim relief for workmen employed in the mines and the complainant is not engaged exclusively in mines work, he has no right to complain under Sec. 33-A I. D. Act.

4. It may be mentioned that before Sri B. P. Verma was actually dismissed on 1st February, 1969 he filed a complaint under Sec. 33A Case No. CGIT/LC (A)(14)/68 on the allegation that he was being kept out of employment and therefore Sec. 33 was breached because of the pendency of reference Case No. CGIT/LC (R) (49)/68. The company also filed an application under Sec. 33(2)(b) I. D. Act which, however, was later on withdrawn. An order was pronounced by this tribunal on 25th April, 1969 and a copy of which has been filed by the employers as Ex. E/9. A perusal of that order would show that the complaint was dismissed on the ground that it was premature as there had been no punishment by mere refusal of the management to take him back on duty. Another aspect on which that complaint was dismissed was that Sri B. P. Verma had failed to establish that he was a concerned workman in the reference case. The management in this case under Section 33A pleaded that the judgment of that complaint operates as *res judicata*. The argument is misconceived. The management in that case had failed to raise the plea that Sri B. P. Verma was not a workman of the mine and therefore he was not concerned in Case No. CGIT/LC(R)(49)/68. As a matter of fact, they themselves under a misconception had applied under Section 33(2)(b) I. D. Act to this tribunal. Both parties therefore laboured under a misconception. There is, therefore, no question of applying principle of estoppel or *res judicata*. The question has been raised by the employers for the first time in these proceedings and on a consideration of the facts as they emerged out by evidence in these cases, it is clear that Sri B. P. Verma was not a "workman" so as to entitle him to apply to this tribunal-cum-court for a relief under Sec. 33A or for computation under Sec. 33-C(2) I. D. Act.

Both the cases are decided accordingly. No order for costs.

(Sd.) G. C. AGARWALA,

Presiding Officer.

30-9-1969.

[No. 36/47/69-LRIV.]

ORDERS

New Delhi, the 18th October 1969

S.O. 4390.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Balihari Colliery, Post Office Kusunda, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, (No. 3), Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

"Whether the management of Balihari Colliery of Messrs. Balihari Colliery Company (Private) Limited, Post Office Kusunda (Dhanbad), was justified in dismissing Shri Jageshwar Mahato, Mining Sardar and Shri S. N. Pandey, Munshi, with effect from the 7th August, 1968? If not, to what relief are these workmen entitled?"

[No. 2/248/68-LR.II.]

New Delhi, the 22nd October 1969

S.O. 4391.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Kujama Colliery of Messrs Kujama Colliery Company, Post Office Jharia, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, (14 of 1947), the

Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No. 3), Dhanbad constituted under section 7A of the said Act.

SCHEDULE

"Whether the management of Kujama Colliery Company, Post Office Jharia, District Dhanbad, was justified in terminating the service of Shri A. K. Banerjee, Overman, with effect from the 1st February, 1969? If not, to what relief is the workman entitled?"

[No. 2/140/69-LRII.]

S.O. 4392.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Jaipur Udyog Limited, Phalodi Quarry, Sawaimadhopur and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri Gopal Narain Sharma, as Presiding Officer, with headquarters at Jaipur and refers the said dispute for adjudication to the said Industrial Tribunal.

SCHEDULE

"Whether the action of the management of Phalodi Quarry in scoring out the name of their employee, Shri Hanuman Prasad, Beldar, with effect from the 25th July, 1967 was legal and justified? If not, to what relief is the workman entitled?"

[No. 36/37/69-L.R.IV.]

New Delhi, the 23rd October 1969

S.O. 4393.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the managements of (1) Kamptee Colliery, Post Office Kamptee (District Nagpur), and (2) New Majri Colliery, Post Office Majri Khadan, District Chanda and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri G. V. Deo, as Presiding Officer, with headquarters at Nagpur and refers the said dispute for adjudication to the Industrial Tribunal.

SCHEDULE

(1) "Whether the managements of Kamptee Colliery, Post Office Kamptee (District Nagpur), and New Majri Colliery, Post Office Majri Khadan, District Chanda, having regard to their financial capacity, are justified in not paying the arrears of wages as per the recommendations of the Wage Board for Coal Mining Industry for the periods specified hereunder:—

Serial Number	Name of the Colliery	Period for which arrears of wages are claimed.
1.	Messrs Kamptee Colliery, Nagpur.	15. 8. 67 to 2. 12. 67.
2.	Messrs New Majri Colliery, Chanda	15. 8. 67 to 27. 4. 68.

(ii) Whether the managements aforesaid having regard to their financial capacity, are justified in not paying variable Dearness Allowance as per

the recommendations of the Wage Board for Coal Mining Industry with effect from the 1st April, 1968. If not, what should be the quantum of variable Dearness Allowance in these collieries?

(iii) Whether the managements aforesaid having regard to their financial capacity, are justified in not granting graded annual increments from the 15th August, 1968, as per the recommendations of the Wage Board for Coal Mining Industry. If not, to what relief are the workmen entitled?"

[No. 1/10/63-L.R.II.]

S.O. 4394.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of New Ardhogram Colliery, Post Office Ardogram, District Bankura and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

"Whether the management of New Ardhogram Colliery, Post Office Ardhogram, District Bankura was justified in stopping from work 91 workers as mentioned below from 31st May, 1969 and if not, to what relief they are entitled?"

Pick-Miners.

1. Aungod Bouri.
2. Pochai Bouri.
3. Muchi Rami Bouri.
4. Buhan Bouri. (1).
5. Bijoy Bouri.
6. Dipool Bouri.
7. Likhinda Bouri.
8. Mona Bouri.
9. Bagambar Bouri.
10. Apinda Bouri.
11. Paru Bouri.
12. Pramata Bouri.
13. Poti Bouri.
14. Khandu Bouri.
15. Akal Bouri.
16. Naran Bouri.
17. Satan Bouri.
18. Sasti Bouri.
19. Kala Bouri.
20. Budhan Bouri. (2).
21. Gopal Bouri.
22. Bhaba Bouri.
23. Sudhir Bouri.
24. Anath Bouri.
25. Bhagbat Bouri.
26. Naran Muchi.
27. Tilk Bouri.
28. Jiban Bouri.
29. Jatilal Bouri.
30. Ganga Bouri.
31. Anil Bouri.
32. Puchkori Bouri.
33. Dharam Bouri.
34. Kalascha Bouri.
35. Supal Bouri.
36. Sudhan Bouri.
37. Manlk Bouri.
38. Shyam Bouri.

39. Bhakti Bouri.
40. Ratan Bouri.
41. Kuran Bouri.
42. Haru Bouri.
43. Rabi Bouri.
44. Muruli Bouri.
45. Anil Bouri (Samapur).
46. Badal Bouri.
47. Sunil Bouri.
48. Sotu Bouri.
49. Bhikary Bouri.
50. Jadu Bouri.
51. Nuna Ram Bouri.
52. Muchiram Bouri.
53. Manik Bouri. (Samapur).
54. Asu Bouri.
55. Lakhidas Bouri.
56. Khadu Bouri.
57. Sasti Bouri.
58. Nepal Bouri.
59. Naru Hari.
60. Bhakta Hari.
61. Sunil Hari.
62. Anil Hari.
63. Fakir Hari.
64. Bijoy Hari.
65. Mangal Hari.
66. Sanatan Hari.

Loaders.

1. Kosy Bouri.
2. Moti Bouri.
3. Kechi Bourini.
4. Rebi Bourini.
5. Gharala Bourini.
6. Putula Bourini.
7. Adara Bourini.
8. Moni Bourini.
9. Mori Bourini.
10. Mothura Bourini.
11. Nirmala Bourini.
12. Jhuni Bourini.
13. Pramila Bourini.
14. Geni Bourini.
15. Mangala Muchi.
16. Chapala Bourini.
17. Bipola Bourini.
18. Kamala Bourini.
19. Bharati Bourini.
20. Asoka Bourini.
21. Dulali Bourini.
22. Balli Muchi.
23. Bijola Muchi.
24. Rashi Muchi.
25. Jomuna Muchi.

[No. 6/69/69/LRTI.]

S.O. 4395.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Messrs Equitable Coal Company Limited, Post Office Dishergarh, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

"Keeping in view the duties performed by Sarvashri Santosh Dey, Assistant Despatch Clerk and Amar Mukherjee, Weighbridge Clerk at Methani Colliery of Messrs Equitable Coal Company Limited, Post Office Dishergarh, District Burdwan, whether they have been correctly designated and placed in the appropriate grades by the management in accordance with the recommendations of the Central Wage Board for the Coal Mining Industry? If not, to what relief are these workmen entitled and from what dates?"

[No. 6/67/69-LRII.]

S.O. 4396.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of R. N. Bagchi Dobari Colliery, Post Office Jharia, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, (No. 3) Dhanbad constituted under section 7A of the said Act.

SCHEDULE

"Whether the management of R. N. Bagchi Dobari Colliery, Post Office Jharia, District Dhanbad, was justified in denying work to Shri Dwarka Yadav, Surface Trammer with effect from the 15th October, 1968? If not, to what relief is the workman entitled?"

[No. 2/53/69/LRII.]

S.O. 4397.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Pure Sitalpur Colliery of Messrs Pure Sitalpur Coal Concern Limited, Post Office Ukhra, District Burdwan, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

"Whether the management of Pure Sitalpur Colliery of Messrs Pure Sitalpur Coal Concern Limited, Post Office Ukhra, District Burdwan was justified in dismissing from service Shri Jagu Turi, Pick Miner with effect from 3rd September, 1968? If not, to what relief is the workman concerned entitled?"

[No. 6/81/68-LR.II.]

S.O. 4398.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Kendra Colliery of Messrs. Jaipuria Samla Amalgamated Collieries Limited, Post Office Pandaveshwar, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

"Whether the management of Kendra Colliery belonging to Jaipuria Samla Collieries Limited, Post Office Pandaveshwar, District Burdwan, was justified in terminating the lien of Shri Santoki Nunia Fitter on permanent appointment and placing his name in the badli list with effect from 22nd July, 1968. If not, to what relief is the workman entitled?"

[No. 17/6/69-MI.]

S.O. 4399.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Bhulanbararee Colliery of Messrs. Bhulanbararee Coal Company Limited, Post Office Pathardih, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, (No. 3), Dhanbad constituted under section 7A of the said Act.

SCHEDULE

"Whether the stoppage of work of Shri Baldeo Kahar, Prop Mistry with effect from the 25th November, 1968, by the management of Bhulanbararee Colliery of Messrs. Bhulanbararee Coal Company Limited, Post Office Pathardih, District Dhanbad, is justified? If not to what relief is the workman entitled?"

[No. 2/91/69-LR-II.]

New Delhi, the 24th October 1969

S.O. 4400.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Kendra Colliery of Messrs Jaipuria Samla Amalgamated Collieries Limited, Post Office Pandaveshwar, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

"Whether the management of Kendra Colliery of Messrs Jaipuria Samla Amalgamated Limited, Post Office Pandaveshwar, District Burdwan, was justified in dismissing Sarvashri Sadanand Singh, Driller, Muneshwar Jha, Balling Mazdoor, Ramdhani Gope, Under Ground Loader, Parameshwar Pasman, Underground Trammer with effect from the 21st November, 1968 and if not, to what relief they are entitled?"

[No. 6/56/69-LRIL.]

New Delhi, the 27th October 1969

S.O. 4401.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Jaipur Udyog Limited, Phalodi Quarry, Sawaimadhopur, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the

Central Government hereby constitutes an Industrial Tribunal with Shri Gopal Narain Sharma, as Presiding Officer, with headquarters at Jaipur and refers the said dispute for adjudication to the said Industrial Tribunal.

SCHEDULE

“Whether the action of the management of the Jaipur Udyog Limited, Phalodi Quarry, Sawaimadhopur in scoring out the name of Shri Bhagwan Singh, Electrical foreman from the rolls of the Company with effect from the 26th June, 1967 was legal and justified? If not, to what relief the workman is entitled?”

[No. 36/38/69-LR.IV.]

S.O. 4402.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Bhowra Colliery of Messrs Karam Chand Thapar and Brothers (Private) Limited, Post Office Bhowra, District Dhanbad, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the power conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No. 3), Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

“Whether the action of the Management of Bhowra Colliery of Messrs Karam Chand Thapar and Brothers (Private) Limited, in reverting Shri S. K. Sinha, Officialating Register Clerk, to his original post of Munshi with effect from the 26th October, 1968, was justified? If not, to what relief the workman is entitled?”

[No. 2/119/69-LR.II.]

S.O. 4403.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Jaipur Udyog Limited, Phalodi Quarry, Sawaimadhopur and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri Gopal Narain Sharma, as Presiding Officer, with headquarters at Jaipur and refers the said dispute for adjudication to the said Industrial Tribunal.

SCHEDULE

“Whether the 63 workmen mentioned in Column 2 of the attached list, employed in the Phalodi Quarry of Messrs Jaipur Udyog Limited, Sawaimadhopur are entitled to be redesignated and put in the grades indicated against their names in Columns 5 and 6 respectively of the said list, and if so, from what date?

S. No.	Name	Designation	Grade	Working as	Grade of which duties are being perfor- med.	Place where working	
1	2	3	4	5	6	7	
1.	Naurangsingh	.	Dresser	C	Compounder	First	Hospital
2.	Kalimuddin	.	“	C	”	”	”
3.	Dhansingh	.	Peon	E	Dresser	C	”
4.	Jagmalsingh	.	Beldar	E	”	C	”

1	2	3	4	5	6	7
5.	Shivnarain	Super.	First	T.K.K.K.	Second	Sada Kund.
6.	Jaswantsingh	A.S.	C	Supervisor	First	Dumeda.
7.	Virendraprapsingh	A.S.	"	"	"	H. No. 26.
8.	Hajarilal Sharma	Salesman	E	Clerk	"	Canteen
9.	Sulakhansingh	Beldar	E	A.S.	C	Dumeda.
10.	Chatrulal	Beldar	E	A.S.	C	L.A.
11.	Pujari	"	E	A.S.	C	S.K.
12.	Prabhu Dayal Gupta	"	E	A.S.	C	S.K.
13.	Morsingh	A.S.	C	Clerk	First	V.S.
14.	Chhotesingh	Beldar	E	A.S.	C	Chakki.
15.	Bajranga S/o Genda	"	E	Mate	D	Engine No. 4
16.	Radhesyam Sharma	"	E	Cook	E	Canteen
17.	Gitam	"	E	Peon	D	
18.	Phoolchand Ukar	"	E	Peon	D	S.K.
19.	Gopal	"	E	Peon	D	S.K.
20.	Dharampal Singh	"	E	I.B.	D	Store
21.	Banwarsingh Surajsingh	"	E	I.B.	D	Store
22.	Chhotu	"	E	I.B.	D	Store
23.	Panesingh	"	R	Peon	D	L.A.
24.	Girdharsingh	"	R	"	D	T.A.
25.	Bhanwarsingh	"	B	"	D	T.A.
26.	Harivallabh Kalu	"	E	"	D	T.A.
27.	Ghanshyam Sharma Kalyan	"	E	"	D	T.A.
28.	Narain	"	E	"	D	T.A.
29.	Gangaram Moolchand	"	E	"	D	Engine No. 4
30.	Hari Prasad Sharma Har-	chand	"	E	"	
31.	Kana Narayan	"	E	"	D	"
32.	Gangasingh	"	E	Mate	"	T.A.
33.	Bhimsingh	"	E	"	"	"
34.	Gagasingh	"	E	"	"	"
35.	Ramdayal Nathulal	"	E	A.P.F.	C	Engine No. 4
36.	Dalchand Govinda	"	E	A.P.F.	C	House No. 26
37.	Jograj	Helper	D	Beldar	C	Workshop.
38.	Dashrathsingh	Beldar	E	A.P.F.	C	Sada Kund.
39.	H. M. Patel	MKRAA	A	Mechanics	Third	Supervisory
40.	Karnalsingh	Helper	D	Beldar	C	Workshop.
41.	Shivshanker Sharma	Driver	B	L.F.	A	Loco
42.	Hansraj	Fitter	A	Mechanic	Third	Supervisor.
43.	Karimkhan	H.A.	A	H.F.	A	House No. 26
44.	Mohammedin	"	C	"	B	"
45.	Jagdish	Driver	B	L.F.	A	Loco
46.	Gokulchand	Helper	E	Rtruck Driver	C	M.G.
47.	Salimbag	P.F.	C	Filter	B	V.S.
48.	Ratansingh	Beldar	E	P.D.	C	"
49.	Sugansingh	"	E	A.F.	C	"
50.	Ghutya	"	E	M.Man	C	Kressar.
51.	Janshi	"	D	"	C	"
52.	Virdhichand	Peon	D	Turner	C	V.S.
53.	Srikishan	Beldar	E	L.D.	C	Loco
54.	Janshi	Helper	E	L. Driver	C	Loco
55.	Gangaram	"	E	"	C	"
56.	Chhoga	Beldar	E	"	C	"
57.	Bindukhan	Engine	A	L. Driver	A	"
58.	Prahaldsingh	Driver	A	L. Driver	B	"
59.	Gangavishan	L. Driver	C	Fitter	B	"
60.	Rama	Engine	B	P.F.	B	Prospecting.
61.	Fajlu	Driver	B	L.D.	B	Loco
62.	Chhulan	Beldar	E	Mate	D	House No. 26
63.	Rambir	"	E	E.B.	D	Store.

8.0. 4404.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of the Jaipur Udyog Limited, Phalodi Quarry, Sawalmadhopur, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri Gopal Narain Sharma, as Presiding Officer, with headquarters at Jaipur and refers the said dispute for adjudication to the said Industrial Tribunal.

SCHEDULE

"Whether the 121 Beldars mentioned in Column 2 of the list below employed in Phalodi Quarry of Messrs Jaipur Udyog Limited are entitled to be redesignated and paid as helpers, and if so from what date?

S. No	Name & Father's Name	Designation	Department
(1)	(2)	(3)	(4)
1	Shri Raghurath Sharvan	Beldar	Drilling
2	Shri Gopal Karwarlal	"	"
3	Shri Kishore Chandra	"	"
4	Shri Ramkisan Surja	"	"
5	Shri Gopal Nanga	"	"
6	Shri Jagan Gangoliya	"	"
7	Shri Sanwliya Feli	"	"
8	Shri Jagannath Lodkiya	"	"
9	Shri Garam Sanwliya	"	"
10	Shri Misriya Gopi	"	"
11	Shri Mangiya Bhura	"	"
12	Shri Ramphool Gokul	"	"
13	Shri Bhonwarlal Pannalal	"	Blasting
14	Shri Gopi Teja	"	"
15	Shri Hardeva Shyobuksh	"	"
16	Shri Abhiraj Singh	"	"
17	Shri Gurubuksh Singh	"	"
18	Shri Raghunath Pooniya	"	"
19	Shri Sakuram Khejana	"	"
20	Shri Hajari Mooliya	"	"
21	Shri Shivcharan Kanhaya Lal	"	"
22	Shri Kalyan Bhavans	"	Compressor
23	Shri Hira Phoolya	"	"
24	Shri Moti Kanhaya	"	"
25	Shri Kanhaiya Lexmi Narain	"	"
26	Shri Malya Sonva	"	"
27	Shri Shyora Singh Rughnath	"	"
28	Shri Hajari Singh Gangasingh	"	"
29	Shri Gopal Nathu	"	"
30	Shri Merupal Chandrapal	"	"
31	Shri Kashiram Bhojraj	"	Loku
32	Shri Janshi Ukar	"	"
33	Shri Kalu Haburiya	"	"
34	Shri Sumersingh Mardan Singh	"	"
35	Shri Mangla Manna	"	"
36	Shri Chhoga Narain	"	"
37	Shri Kana Gopal	"	"
38	Shri Prabhu Balu	"	"
39	Shri Prahlad Bhaiju	"	"
40	Shri Latur Dhanna	"	"

(1)	(2)	(3)	(4)
41	Shri Bhermal Dhulilal	Beldar	Bulrojar
42	Shri Bajrang Bhura	“	“
43	Shri Khavaju Pirhan	“	“
44	Shri Bhanwar Singh Hirasingh	“	“
45	Shri Goverdhan Panchu	“	“
46	Shri Madho Chhotu	“	“
47	Shri Kanhaya Genda	“	“
48	Shri Kutulal Batochi	“	“
49	Shri Kanhaya Ukar	“	“
50	Shri Kesra Gangaram	“	“
51	Shri Durga Laxman	“	“
52	Shri Hariya Sanviya	“	“
53	Shri Prabhu Madhopal	“	Dampar
54	Shri Dhooliya Sonya	“	“
55	Shri Subheshchandra	“	“
56	Shri Gopi Jagannath	“	“
57	Shri Bhura Banshi	“	“
58	Shri Prahlad Jagdish	“	“
59	Shri Rampresad Bala	“	“
60	Shri Ramnarein Ganesh	“	“
61	Shri Panna Ranjit	“	“
62	Shri Suwa Bajrange	“	“
63	Shri Harlal Raghnath	“	“
64	Shri Ramkayan Ukar	“	“
65	Shri Sukha Ramnarein	“	“
66	Shri Girdhri Gendilal	“	Sawal.
67	Shri Remkishan Chaturbhuj	“	“
68	Shri Laxman Janshi	“	“ ..
69	Shri Mengilal Nerain	“	“
70	Shri Amirmohammed Ahmed Khan	“	“
71	Shri Bajrange	“	“
72	Shri Bhopal Singh Jaswant Singh	“	Trak sawtar
73	Shri Kesra Gangaram	“	“
74	Shri Gangadhar Bargha	“	Loku
75	Shri Misriya Tulsa	“	“
76	Shri Badri Shanker	“	“
77	Shri Kesra Gyrase	“	“
78	Shri Ramhet Janshi	“	“
79	Shri Bhanwar Singh Samundrasingh	“	Electric
80	Shri Pir Mohammed Ahmed Khan	“	“
81	Shri Alladin Ahmed Khan	“	“
82	Shri Banshi	“	Automobiles
83	Shri Badri Jagannath	“	“
84	Shri Kajor Haburiya	“	“
85	Shri Ghazi Govinda	“	“
86	Shri Sharven Laghu	“	“
87	Shri Raghnath Mangilal	“	“
88	Shri Gokul Laxman	“	“
89	Shri Rughnath Chhotudas	“	“
90	Shri Chamel Shah	“	Electric
91	Shri Moti Baldev.	“	“
92	Shri Ramdeva	“	“
93	Shri Nerain	“	“
94	Shri Mukriya Bhawana	“	Drilling
95	Shri Kana Harji	“	Inklayen
96	Shri Govinda Mohan	“	Floor Mill
97	Shri Birdichand Chhitar	“	“
98	Shri Babu Chhola	“	“
99	Shri Hiru Shrilal	“	Bedford
100	Shri Lalu Chatra	“	Trolley Line Man
101	Shri Nathu Shivram	“	“
102	Shri Abdul Gani	“	“
103	Shri Laturi Mevaram	“	“
104	Shri Suwa Hajari.	“	“
105	Shri Mohanlal	“	Electric

(1)	(2)	(3)	(4)
106	Shri Kanhay Lal Badrils	Beldar	Trolley Line Gang
107	Shri Durga	"	Electric
108	Shri Kalu	"	"
109	Shri Balrajsingh	"	"
110	Shri Ganesh Manphool	"	Carpenter Soap
111	Shri Prabhu	"	"
112	Shri Karim Khan	"	"
113	Shri Faiz Mohd.	"	Trolley Maintenance
114	Shri Bajranga	"	Luhar Khana
115	Shri Hira	"	Kressar
116	Shri Sariya	"	"
117	Shri Dhani Ram	"	"
118	Shri Virendra Singh Chagsingh	"	"
119	Shri Laddu Kalyan	"	Prospecting
120	Shri Kajor	"	Kressar
121	Shri Ramhet	"	"

[No. 36/33/69-LRIV/1]

P. C. MISRA, Under Secy.

(Department of Labour and Employment)

New Delhi, the 22nd October 1969

S.O. 4405.—In pursuance of proviso (a) to sub-regulation (1) of regulation 18 of the Metalliferous Mines Regulations 1961, the Central Government hereby makes the following amendment in the notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 2793 dated the 23rd September, 1963, namely:—

In the table appended to the said notification, after the heading "U.S.S.R." and the entries relating thereto, the following heading and entries shall be inserted, namely:—

"West Germany

I

II.

"Bergakademie
Clausthal, West Germany.

Diploma in Mining
Engineering."

[No. 17/6/69-MI.]

S.O. 4406.—In pursuance of the proviso to regulation 17 of the Metalliferous Mines Regulations, 1961, the Central Government hereby makes the following further amendment in the notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 2795 dated the 23rd September, 1963, namely:—

In the Table appended to the said notification, under the heading "FOREIGN" after serial No. 12 and the entries relating thereto, the following serial number and entries shall be inserted, namely:—

I

II

"13. Bergakademie Clausthal
West Germany.

Diploma in Mining
Engineering."

[No. 17/6/69-MI.]

S.O. 4407.—In pursuance of clause (b) of the proviso to sub-regulation (1), and clause (b) of the proviso to sub-regulation (2), of regulation 18 of the Metalliferous Mines Regulations, 1961, the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 1875 dated the 30th May, 1966, namely:—

In the Table appended to the said notification, after the heading "U.S.S.R." and the entries relating thereto, the following heading and entries shall be inserted namely:—

West Germany

11

"Bergakademie Clausthal
West Germany.

Diploma in Mining
Engineering.

[No. 17/6/69-MI.]

J. D. TEWARI, Under Secy.

(Department of Labour and Employment)

New Delhi, the 22nd October 1969

S.O. 4408.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952, (19 of 1952), the Central Government hereby appoints Shri Chander Bhan Singh to be an Inspector for the whole of the State of Uttar Pradesh for the purposes of the said Act and of any Scheme framed thereunder, in relation to any establishment belonging to, or under the control of the Central Government or in relation to any establishment connected with a railway company, a major port, a mine or an oil-field or a controlled industry

[No. 21(4)/68-PF. I.]

S.O. 4409.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952, (19 of 1952) and in supersession of the Notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 3162, dated 24th December, 1960, the Central Government hereby appoints Shri P. Haridasachar to be an Inspector for the whole of the State of Mysore for the purposes of the said Act and of any Scheme framed thereunder, in relation to any establishment belonging to, or under the control of, the Central Government or in relation to any establishment connected with a railway company, a major port, a mine or an oil-field or a controlled industry.

[No. 20/19/69-PF. I.]

S.O. 4410.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), and in supersession of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 1766, dated the 9th May, 1967, the Central Government hereby appoints Shri A. S. Nag to be an Inspector for the whole of the State of West Bengal and the Union Territories of Tripura and Andaman and Nicobar Islands, for the purposes of the said Act and of any Scheme framed thereunder in relation to any establishment belonging to, or under the control of the Central Government, or in relation to any establishment connected with a railway company, a major port, a mine or an oil field, or a controlled industry.

[No. 17/15/69/PF-I (ii).]

S.O. 4411.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government, having regard to the location of the Security Paper Mill Project, Hoshangabad, in non implemented area, hereby exempts the said mill from the payment of the employers' special contribution leviable under Chapter VA of the said Act for a period of

one year with effect from the date of publication of the notification in the Official Gazette.

[No. F. 6(73)/69-H.I.]

ORDER

New Delhi, the 24th October 1969

S.O. 4412.—In exercise of the powers conferred by sub-section (2) of section 5D of the Employees' Provident Funds Act, 1952 (19 of 1952), and in supersession of the order of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 1775, dated the 9th May, 1967, the Central Government hereby appoints Shri A. S. Nag, as Regional Provident Fund Commissioner, for the whole of the State of West Bengal and the Union territories of Tripura and Andaman and Nicobar Islands, vice Shri P. K. Bose, to assist the Central Provident Fund Commissioner in the discharge of his duties.

[No. 17/15/69-P.F.I.(1).]

DALJIT SINGH, Under Secy.

(श्रम और रोजगार विभाग)

मई दिल्ली, 22 अक्टूबर, 1969

का० आ० 4413.—कर्मचारी भविष्य निधि अधिनियम, 1952 (1952 का 19) की धारा 13 की उपधारा (1) द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त प्रविधिनियम और तदधीन केन्द्रीय सरकार के या उसके नियंत्रणाधीन फिरी स्थापन के सम्बन्ध में, या किसी रेल कम्पनी, महापत्तन, खान या तेल-क्षेत्र अथवा नियंत्रित उद्योग से सम्बद्ध किसी स्थापन के सम्बन्ध में विरचित किसी स्कीम के प्रयोजनों के लिये, श्री चन्द्र भान सिंह को समस्त उत्तर प्रदेश राज्य के लिए एतद्वारा निरीक्षक नियुक्त करनी है।

[सं० 21(4)/68-भ०नि०-1]

का० आ० 4414.—कर्मचारी भविष्य निधि अधिनियम, 1952 (1952 का 19) की धारा 13 की उपधारा (1) द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए तथा भारत सरकार के भूतपूर्व श्रम और नियोजन मंत्रालय की अधिसूचना संलया का० आ० 3162 सारीख 24 दिसम्बर, 1960 को प्रविक्षान्त करते हुए, केन्द्रीय सरकार, श्री पी० हरिदासाचर को, उक्त प्रविधिनियम तथा तदधीन निर्मित किसी भी स्कीम के प्रयोजनों के लिए जो केन्द्रीय सरकार के, या उसके नियंत्रणाधीन, किसी स्थापन के सम्बन्ध में या किसी रेलवे कम्पनी, महापत्तन, खान या किसी तेल-क्षेत्र या किसी नियंत्रित उद्योग से सम्बन्धित किसी स्थापन के सम्बन्ध में हो, एतद्वारा सम्पूर्ण मैसूर राज्य के लिए निरीक्षक नियुक्त करनी है।

[20/19/69-पी०एफ०-1]

का० आ० 4415.—कर्मचारी भविष्य निधि अधिनियम, 1952 (1952 का 19) की धारा 13 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम, नियोजन तथा पुनर्वास मंत्रालय (श्रम और नियोजन विभाग) की अधिसूचना संलया का० आ० 1766 सारीख 9 मई, 1967 को प्रविक्षान्त करते हुए, केन्द्रीय सरकार, अपने या अपने नियंत्रणाधीन किसी स्थापन के सम्बन्ध में या किसी रेल कम्पनी, महापत्तन, खान या तेल क्षेत्र, या नियंत्रित उद्योग से सम्बद्ध किसी स्थापन के सम्बन्ध में, उक्त प्रविधिनियम और तदधीन बनाई गई किसी स्कीम के प्रयोजनों

के लिए श्री ए० एस० नाग को समस्त पश्चिमी बंगाल राज्य और त्रिपुरा तथा अंडमान और निकोबार द्वीप-समूह के संघ राज्य-क्षेत्रों के लिए, एतद्वारा निरीक्षक नियुक्त करनी है।

[म० 17/15/69/री०एफ०-1(11)]

आदेश

नई दिल्ली, 24 अक्टूबर, 1969

का० आ० 4416.—कर्मचारी भविष्य निधि अधिनियम, 1952 (1952 का 19) द्वारा 5-घ की उपधारा (2) द्वारा प्रदत्त शाखितयों का प्रयोग करते हुए और भारत सरकार के श्रम, नियोजन और पुनर्वास मंत्रालय (श्रम और नियोजन विभाग) की आदेश संख्या का० आ० 1775, तारीख 9 मई, 1967, को अधिकान्त करते हुए केन्द्रीय सरकार श्री ए० एस० नाग को, श्री पी० के० बोस के स्थान पर, केन्द्रीय भविष्य निधि आयुक्त को उसके कर्तयों के निवृहन में सहयोग देने के लिए, सम्पूर्ण पश्चिमी बंगाल राज्य और त्रिपुरा तथा अंडमान और निकोबार द्वीपसमूहों के संघ राज्य क्षेत्रों के लिए एतद्वारा प्रादेशिक भविष्य निधि आयुक्त नियुक्त करती है।

[संख्या 17/15/69-भ०नि०-1(1)]

दलजीत सिंह, अवर सचिव।

(Department of Labour and Employment)

New Delhi, the 22nd October 1969

S.O. 4417.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the National Industrial Tribunal, Dhanbad in the industrial dispute between the employers in relation to the Madras Dock Labour Board and 127 other establishments and their workmen, which was received by the Central Government on the 2nd September, 1969.

BEFORE THE NATIONAL INDUSTRIAL TRIBUNAL AT DHANBAD

In the matter of a reference under section 7B and sub-section (1A) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947).

REFERENCE NO. 1 of 1968

PARTIES:

Madras Dock Labour Board,

AND

Its Workmen.

PRESENT:

Shri Kamla Sahai, Presiding Officer.

APPEARANCES:

On behalf of employers:

For Calcutta Port Commissioners: Shri G. V. Karlekar, Chief Labour Officer.

For Madras Dock Labour Board: Shri B. R. Dholla, Advocate with Shri R. Venkatasan, Deputy Chairman and Shri R. Viswanath, Secretary,

For the Ports of Bombay, Madras, Cochin, Kandala, Marmugoa and Paradip: Shri S. D. Nariman, Solicitor.

For Port Trust, Vishakhapatnam: Shri V. Rokkam.

For Bombay Dock Labour Board and The Federation of Association of Stevedores: Shri D. B. Shroff.

For Bombay Dock Labour Board: Shri B. L. Desai, Secretary.

For Bombay Port Trust: Shri R. K. Shetty, Deputy Legal Adviser & Shri Batuk H. Mehta, Chief Labour Officer.

For Federation of Association of Stevedores: Shri R. K. Veradananarayanan.

For Calcutta Dock Labour Board: Shri R. Roy and Abdul Hakim.

On behalf of workmen:

For Calcutta Port Shramik Transport and Dock Workers Union and All India Port and Dock Workers Federation: Shri Syam Chakravorty and Paresh Bose.

For Madras Port and Dock Workers Congress: Shri S. M. Narayanan.

For Calcutta Port and Dock Workers Union: Shri Prasanta Dutta.

For National Union of Waterfront Workers Union: Shri Pranab Ganguli and Janaki Mukherjee.

For Calcutta Dock Workers Union: W. A. Azad, Joint Secretary.

For Calcutta Master Stevedores Association: Shri B. Chatterjee, Secretary.

For Calcutta Port and Stevedores Union: Shri S. Chakravarty.

For Madras Harbour Workers Union: Shri A. Srinivasan, Secretary.

By me, Madras.

INDUSTRY: Port & Dock.

Dhanbad, dated the 23rd August, 1969.

AWARD

By order No. 29/2/68/LRIII, dated the 17th January, 1968, the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) has made this reference for adjudication to the National Industrial Tribunal at Dhanbad with me as the Presiding Officer. The schedule originally contained the following issues:—

SCHEDULE

1. Whether the demand for the free supply of uniforms made by the workmen of the Madras Dock Labour Board is justified?

2. If so, what are the broad principles on the basis of which uniforms may be given to such workmen and what are the categories of workmen to whom uniforms should be supplied free and what should be the type of uniforms to be supplied to each such category, the nature and quality of the clothing material of such uniforms and the scale and periodicity of supply of such uniforms?"

By its order No. 29(2)/68-LRIII, dated the 2nd July, 1968, the same Ministry of the Central Government has directed that, in the schedule, after Item No. 2, the following items shall be inserted, namely:—

3. Whether the demand for the free supply of footwear made by the Workmen of the Madras Dock Labour Board is justified?

4. If so, what are the broad principles on the basis of which footwear may be given to such workmen and what are the categories of workmen to whom footwear should be supplied free and what should be the type of footwear to be supplied to each such category and the scale and periodicity of supply of such footwear."

A copy of the reference each was sent to the Chairman of different Labour Boards, Federations or Associations of Stevedores in different ports and harbours mentioned in the order of the 17th January, 1968. Further addresses were added by the order dated the 2nd July, 1968. Other establishments were included in the reference by the Schedule of another order dated the 2nd July, 1968, bearing No. 29(2)/68-LRIII. Other establishments were also included subsequently. Notice were issued by my office to all the establishments mentioned in the schedules attached from time to time to the reference. The order sheet of the case will show the parties who appeared before me from time to time.

A large number of statements of claim have been filed in this case by different unions. They may be described generally as unions of port and dock workers, harbour workers, water-front workers, dock mazdoors, port trust employees,

Stevedores and dock labour, general workers, Railwaymen, tally clerks, port khasis etc. They have claimed that free uniforms should be supplied to different categories of dock workers because the clothes which they wear get so soiled and stained in the course of their duties on account of the nature of their work that the life of their clothes gets diminished.

On the side of the employers, written statements have been filed by various Dock Labour Boards, Stevedores' Associations, Port Trusts, Commissioners of Ports and others. I may specifically refer to the written statement filed by the Cochin Labour Board in which the Board has stated that, if uniforms are supplied, they should be confined to Signallers, Winchmen and Tyndals. The case of the employers mostly, however, is that mazdoors wear only underwears and would not use uniforms if they are supplied with them. The case which the Madras Dock Labour Board originally put up was that they had no financial capacity to supply uniforms but they subsequently abandoned this stand. Their case further is that most of the categories of workers in question are not likely to wear uniforms and, in any case, they do not need uniforms in view of the climatic conditions. Their case also is that it is wrong to say that the clothes of these workmen get so soiled and stained in the course of their work that the life of the clothes gets diminished.

At the hearing of the case, held on the 22nd November, 1968, at Calcutta, I drew up at the instance of the parties the issues which had to be decided in this case in view of the problems raised by the four items in the schedule. The issues are as follows:-

1. What are the broad principles on the basis of which uniforms and footwear may be given to the workmen of the Madras Dock Labour Board?
2. What categories of workmen of the Madras Dock Labour Board should be supplied with uniforms and footwear free?
3. What should be the type of uniforms and footwear to be supplied to each such category?
4. What should be the nature and quality of the clothing material of uniforms to be supplied to which category?
5. What should be the scale and periodicity of supply of such uniform and such footwear?
6. Whether the demand for the free supply of uniforms made by the workmen of the Madras Dock Labour Board is justified?

The hearing of the case started on the 8th July, 1969 at Calcutta. Sri B. R. Dholia, Advocate, appeared on behalf of the Madras Dock Labour Board. He opened his case. Shri S. M. Narayanan, General Secretary, Madras Port and Dock Workers Congress who appeared on behalf of the Madras Dock Labour and Labour in general gave a reply. Thereafter, Shri A. Srinivasan, Secretary, Madras Harbour Workers Union and Port, Dock and Water Front Workers Union addressed the court. All the parties then agreed that one witness will be examined on behalf of the Madras Port and Dock Workers Congress and one witness will be examined on behalf of the Madras Dock Labour Board. Thereafter, arguments will be heard on behalf of those establishments. It was further agreed that opportunity would be given to other parties appearing on behalf of the others at the end of the arguments of the Madras Dock Labour Board and the Madras Port and Dock Workers Congress to address the court. Accordingly, Shri N. Ahmad, Secretary, National Union of Water Front Workers' Calcutta, who was present in the court was examined on behalf of the Congress as WW-1. Shri R. Viswanath, Secretary and Personnel Officer of the Madras Dock Labour Board was then examined as MW I. Shri B. R. Dholia and Shri Narayanan concluded their arguments on the 10th July, 1969. While the arguments were still going on, Shri Dholia pressed his application for local inspection of the Madras Docks. I was not at all well. Besides, I was of opinion that there was no necessity to go to Madras and see the working of each category of workers because the evidence adduced by the parties was comprehensive enough. I, therefore, rejected the application. Several other parties also concluded their arguments on the same day. Shri Dholia and Shri Narayanan then left Calcutta. On the 11th July, 1969, Shri D. C. Sharaff, Attorney for Bombay Dock Labour Board and Federation of Association of Stevedores argued certain matters which induced Shri Nariman to request me to give a hearing to Shri Dholia once again. I accordingly fixed the 18th August, 1969, at Jamshedpur for further hearing of the case. An application was sent in the mean time by the Deputy Chairman of the Madras Dock

Labour Board to my address at Dhanbad, prayng that I should now held local inspection of the Madrass Docks. At the hearing on the 18th August, 1969, however, all the parties agreed that since it was not possible for me to go up and down in my present state of health and since local inspection was not likely to be of any great importance, I need not held local inspection. As I have already stated, I was of opinion that the evidence adduced by the parties was comprehensive enough and no local inspection was necessary. I, therefore refused the prayer for local inspection.

All the parties then declined to give any further evidence and concluded whatever they wished to argue before me. On the same date i.e., on the 18th August, 1969, I reserved my award in this case.

I wish at this stage to mention certain facts before taking up each issue separately. The first fact which I wish to mention is that Shri Dharia and Sri Narayananam were both agreed that the categories whose cases have to be considered in this case are:—

(i) Signallers or signalmen; (ii) winchmen; (iii) Tyndals; (iv) Tallyclerks and (v) mazdoors.

According to the evidence of Shri R. Vishwanath, M.W. I, the number of different categories of workers at Madras are:

(i) tyndals—137, (ii) winchmen—282; (iii) signallers 256; (iv) tally clerks—308, (v) mazdoors—1113 and sub-pool mazdoors—207.

Shri Vishwanath has stated that a tyndal is the head of the gang which goes work on board the ship which came to the docks. He takes instructions from the company's supervisors and allocates work to mazdoors, signalmen and winchmen. He does not ordinarily go into the hatch but he goes into it when he is called for by the mazdoors working in the hatch.

It appears from the evidence of Shri N. Ahmad—and I do not see why it should not apply to the workmen of Madras Docks also—that the signallers stand by the side of the opening of the hatch on board the ship. They give directions to the winchmen for operating the winch which is a small crane attached to the ship and functions just like a crane. The signalmen not only signal to the winchmen but also to the mazdoors and the people on shore. They, therefore, keep standing near the opening of the hatch. When they wish to look into the hatch, they have to lean on the hatch opening in order to see inside. In order to look at the shore, they have to come to the end of the vessels and then to look at the shore. He further says that dust spreads when commodities are discharged from the ship by the mazdoors.

Another fact which may be noted is that the witness examined on behalf of the Congress, namely Shri N. Ahmed, W.W. I has not given any other useful evidence. He has seen operations of Dock Labour carried on in the Docks and Ports of Calcutta and has frankly admitted that he has not seen operations under the Madras Dock Labour Board. He has given no evidence about the necessity of the footwear for the different categories of workers in the docks either at Madras or at Calcutta. Although, as I will presently show, Shri R. Vishwanath, (M.W. I) has given useful evidence connection with uniforms, he has not given any evidence what-so-ever about the necessity of footwear for the different categories of workmen of the Madras Dock Labour Board nor has he given any evidence as to the type of footwear which they require and should be supplied with. He has also not said anything about the scale and periodicity of the supply of footwear. Thus, there is no evidence on the point of footwear except that of Shri D. C. Sharaff, Attorney for Bombay Dock Labour Board and Federation of Association of Stevedores has pointed out that, according to the statement made in the written statement filed on behalf of the Federations of Association of Stevedores, 19 articles are supplied to Dock Workers including (1) rubber long shoes and (2) Canvas long shoes with wooden soles. His argument was that I need not pass any order relating to supply of such footwear because it would just be a repetition of what is already being done. On my question, however, he agreed that it would not go against the interest of the Dock Labour Board if I ordered the supply of footwear of the kind mentioned in the Federation's written statement. It seems, however, that no useful purpose will be served if I direct the supply of rubber or canvas footwear. Mr. Narayananam has frankly told me at Jamshedpur on the 18th August, 1969, that such footwear would be completely useless. As I have already pointed out, there is no evidence which can enable me to hold that any other kind of footwear ought to be supplied to

any category of Dock Workers. Shri Narayananam has conceded that there is no evidence on this point. Tha being so, it is not possible for me to give any direction for the supply of any kind of footwear to any of the Dock Workers.

I will not take up each of the issue separately and give my decision relating to the supply of uniforms, leaving out the question of supply of footwear.

Issue No. 1.

What are the board principles on the basis which uniforms and footwears may be given to the workmen of the Madras Dock Labour Board.

Labour Board:

There is no dispute between the parties about the principles which should govern a case of free supply of uniforms. It seems that there was a reference bearing no. 5 of 1957, between the Port Trust of Calcutta and their workmen. The question was whether free uniforms should be supplied to the crews of the Chief Engineer's flotilla, consisting of dredgers, launches, barges and salvage section boats. The reference was made to Sri A. Das Gupta, the then Presiding Officer of the Central Government Industrial Tribunal, Calcutta. In his award, he first referred to the fact that Industrial Tribunals proceeded in the first instance very cautiously in the matter of grant of free uniforms and allowed them only to those workmen who came into contact with the public so that their uniforms could enhance the prestige of their employers and would further assist in giving publicity to the industry. He then observed as follows:—

"The accepted principles, as they stand today, on which uniforms are granted to workmen are:—

(1) Those who come in touch with the public in course of their duties:

- (a) those who from the employers' point of view should present a smart appearance and thereby maintain the prestige of the employers;
- (b) those who require some identification for easy access to the place of their work and peaceful execution of their works.

(2) Those whose work require a particular type of dress for their safety against any risk involved in such works.

(3) Those whose nature of work soil their clothes and reduce their life."

I wish also to quote another observation which Shri Das Gupta made. It is as follows:—

"It is true that a healthy wage structure contains the element of clothing of a worker with the standard family of three consumption units including the worker himself and dearness allowance purports to compensate the raise in the price. Free supply of uniforms is not intended as a financial assistance to a worker where there is no abnormal wear and tear of their clothes, but if the nature of work of a worker is such as soils his clothes and reduces the normal life, it is just fair that the employers should compensate the workers so that the workers are not driven to extra expenditure for their clothing and the real value of their wages are not thereby reduced".

The parties appearing before me fully agreed with me that the principles laid down by Shri Das Gupta are sound and that they should be adhered to. I, therefore, hold that these are the broad principles on the basis of which uniforms should be given to the workmen of the Madras Dock Labour Board.

Issue No. 2

What categories of workmen of the Madras Dock Labour Board should be supplied with uniforms and footwear free?

As I have already said, my decision on this point will not govern footwear. As to the free supply of uniforms, Shri R. Vishwanath (M.W. 1) has stated that uniforms are supplied free to the tally clerks with effect from 1st April 1967. I am quite sure that the employers must have fully considered the matter and then alone they could have started supply of uniforms to the tally clerks. I therefore hold that this category of workers is entitled to the supply of free uniforms.

I have already referred to the written statement of the Cochin Labour Board in which that Board has stated that, if uniforms are supplied, they should only be supplied to signallers, winchmen and tyndals. The evidence of Shri R. Vishwanath also shows that these categories of workmen are entitled to free supply of uniforms on the basis that their clothes get soiled and dirtied in the course of their work. That being so, it goes without saying that the normal life of the clothes get shortened. The matter, therefore, comes under point No. 3 of the points laid down by Shri Das Gupta i.e. the nature of work of the signallers, winchmen and tyndals is such that their clothes is soiled and dirtied in the course of their work and the normal life of the clothes is reduced.

I may refer in the above connection to some parts of the evidence of Shri Vishwanath. He has stated that he has seen operations being carried on in Jawahar Docks Nos. 2, 4 and 6 and south Quay, that, during the operation in those places, the entire wharf area is full with iron ore dust, that he has seen signallers and tyndals coming out of the wharf area after doing their work during the operation of removing iron ore from the wharf to the ship, that their clothes were then coloured like Gerua Bastra which means like iron dust. He has also said that the total tonnage of iron ore handled at the Madras Docks was approximately 20 lakhs tons last year and that the total tonnage of commodities including these 20 lakh tons handled in these docks in the same year was approximately 40 lakh tons.

Shri Vishwanath has further stated that, when ammonium sulphate comes into contact with moisture, it becomes pulpy. His evidence is that, if a mazdoor is wearing only underwear, it will get soiled because of the ammonium sulphate coming into contact with the sweat of the mazdoor's body. He has admitted that ammonium sulphate dust may sometime fall on the signallers and tyndals with the same result.

Another statement of importance which Shri Vishwanath has made is that wheat contains dust because it is not cleaned wheat and that, even if the signallers and the tyndals stand by the hatch opening, they are likely to have some dust spread on their bodies in the course of their work. He has further said that, some times, the slings which are filled with wheat or whatever commodities are being handled pass over the heads of the signallers and those who are standing by their side and sometimes it passes by their side.

I am, therefore, satisfied that the clothes which the signallers, tyndals and winchman wear at the time of performance of their duties get soiled and the normal life of those clothes is reduced. In this view of the matter, I am clearly of opinion that these three categories of workmen are entitled to free supply of uniforms.

The only category which now remains is the category of mazdoors. Sri Vishwanath has stated that, when working in Madras, the mazdoors wear only under-wear and no other clothes. He frankly admitted that the under-wear gets soiled in the course of their work but there is no reliable evidence to show that the mazdoors wear fuller clothes while doing their duties. That being so, I do not think that they are entitled to the free supply of uniforms. I hold accordingly.

Issue Nos. 3, 4 and 5

3. What should be the type of uniforms and footwear to be supplied to each such category?

4. What should be the nature and quality of the clothing material of uniforms to be supplied to which category? ..

5. What should be the scale and periodicity of supply of such uniform and such footwear?

Shri Narayananam has stated that the uniforms which tyndals, winchman, signallers and tallyclerks should be supplied free should consist of a shirt and trousers. He has further said that the Congress will be satisfied if these workmen are supplied free with khaki Tata or Binny drill trousers and khaki shirtings. Shri Dholia argued that two sets of uniforms would be quite enough for these workmen. Having heard both parties, however, I am of opinion that, unless three sets of uniforms, each set consisting of a shirt and trousers is supplied, the workmen will not be able to have clean uniforms to wear. Time will necessarily be taken by the washerman in washing their uniforms. I am,

therefore, of opinion that three sets of uniforms should be supplied to each of the above four categories of workmen. Once three sets of uniforms are supplied they should last the workmen at least for two years. I, therefore, direct that free supply of uniforms will consist of three sets of uniforms, each consisting of one shirt and one pair of trousers to each category of workmen named above and that once three sets of uniforms are supplied to a workman, the turn for supply of another set of uniforms should come in the third year. This means that they will use one set of uniforms for two years. I may add that, on the left hand front side of the shirts of each workmen, his category must be inscribed in needle work. For instance, a winchman will have the word "winchman", inscribed in needle work on the left hand front side of his shirt. Similarly, a tyndal will have the word "tyndal"; signallers will have the word "signaller" and a tallyclerk will have the word "tallyclerk" inscribed in needle work on the left-hand side of the front of his shirt. This will be useful for identifying the category to which a workman belongs.

Issue No. 6

Whether the demand for the free supply of uniforms made by the workmen of the Madras Dock Labour Board is justified?

As I have already held, free supply of uniforms of the kind mentioned above to the categories of workmen referred to above in the scale and periodicity which I have already mentioned, is justified.

This is my award. Let a copy be submitted to the Central Government under section 15 of the Industrial Disputes Act, 1947.

(Sd.) **KAMLA SAHAI**, Presiding Officer.

[No. 29/2/68-LR-III.]

New Delhi, the 25th October 1969

S.O. 4418.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay in the industrial dispute between the employers in relation to Messrs D. Abraham and Sons Private Limited, Bombay and their workmen, which was received by the Central Government on the 18th October, 1969.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2,
BOMBAY**

REFERENCE NO. CGIT-2/10 OF 1968

Employers in relation to M/s D. Abraham & Sons Pvt. Ltd.

AND

Their Workmen.

PRESENT:

Shri N. K. Vani, Presiding Officer.

APPEARANCES:

For the Employers—Shri L. C. Joshi, Adviser and Shri M. M. Shah, Secretary.

For the Workmen—Shri R. A. Paandit, and Shri I. S. Sawant, Asstt. Secretaries, Transport & Dock Workers' Union, Bombay.

STATE: Maharashtra.

INDUSTRY: Major Port.

Bombay, dated the 3rd October, 1969

AWARD

By order No. 28/2/68/LRIV dated 15th February 1968, the Government of India, in the Ministry of Labour and Employment, in exercise of powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Act 14 of 1947) referred to the Central Government Industrial Tribunal, Bombay for adjudication in an industrial dispute existing between the employers in relation

to M/s D. Abraham and Sons Pvt. Ltd., Bombay and their workmen in respect of the matters specified in the schedule mentioned below:—

SCHEDULE

“Whether the terms and conditions of service of the employees of M/s D. Abraham and Sons Private Limited, Bombay other than car drivers in respect of all or any of the following matters require revision and if so to what extent and from what date?

- (1) Pay Scale
- (2) Manner and method of fixation of pay
- (3) Dearness Allowance
- (4) Overtime Allowance
- (5) Leave
- (6) Gratuity
- (7) Provident Fund
- (8) Medical benefits.”

2. Later on, the Central Government transferred this reference to this Tribunal No. 2, Bombay for adjudication by order No. 22/8/68-LRIII dated 25th November, 1968.

3. Shri R. A. Pandit, Asstt. Secretary, Transport & Dock Workers' Union, Bombay has filed statement of claims on behalf of the employees of M/s D. Abraham and Sons Pvt. Ltd., Bombay on 20th May 1966.

4. Shri C. U. Shah, Managing Director, M/s D. Abraham & Sons Private Ltd., has filed written statement on behalf of the employers on 23rd July, 1966. He has also filed application raising various objections, in the court on 7th September, 1966.

5. On 12th January, 1967, the Transport and Dock Workers' Union Bombay representing the employees and M/s D. Abraham & Sons Pvt. Ltd., filed settlement in respect of demands in this reference except the first 3 demands relating to pay scale manner and method of fixation of pay and Dearness Allowance and prayed that Award Part I be made in terms thereof.

6. On account of the settlement dated 12th January 1967, Shri Salim M. Merchant, the then Presiding Officer made part I Award in terms of Settlement Annexure 'A' to his Award stating that “the dispute with regard to the first three subject matters under reference viz.; (i) Pay Scales, (ii) Manner and Method of fixation of pay; and (iii) Dearness allowance survives and will be dealt with later.”

7. On 29th September, 1969, the Director, M/s. D. Abraham & Sons (Pvt.) Ltd. and the Asstt. Secretary, Transport and Dock Workers' Union, Bombay have given common application as mentioned below:—

“The parties to the above mentioned reference have come to an agreement in respect of the remaining demands pending before the Hon. Tribunal. In view of this position, it is respectfully submitted that the Hon. Tribunal may kindly allow the workmen concerned in this reference to withdraw the demands now pending before it.

The necessary orders may kindly be passed at an early date.”

8. Finding some legal difficulty in withdrawing the demands, both parties have given another application before me on 3rd October, 1969. That application is as follows:—

“The matters now pending before the Hon. Tribunal are in respect of (1) Pay Scales, (2) Manner and Method of fixation of pay, and (3) D.A. These issues are also covered by another reference Ref. CGIT-13 of 1967 which is also pending before Shri A. T. Zambre, Central Government Industrial Tribunal.

The parties to this reference have arrived at an agreement in respect of these matters and they will file an application before the Hon. Tribunal dealing with Ref. No. CGIT-13 of 1967, for making a consent award in terms of the agreement. The parties hereby declare that they would be bound by the terms of the said consent Award

for the period mentioned in the settlement. In view of this position, it is respectfully submitted that the Hon. Tribunal may kindly record this declaration and dispose of this reference."

9. As the parties have negotiated a settlement and as they are going to file settlement in reference No. CGIT-13 of 1967 pending before the Central Government Industrial Tribunal, Bombay, it is not necessary to refer to the statement of claims of the employees and the written statement of the Company.

10. Having regard to Part I Award dated 12th January, 1967 in respect of Overtime allowance, Leave, Gratuity, Provident Fund and Medical benefits and the fact that the parties have effected settlement in respect of pay scales, Manner and Method of fixation of pay and Dearness Allowance. I have to hold that the terms and conditions of the employees of M/s D. Abraham & Sons Pvt. Ltd., Bombay other than car drivers in respect of items mentioned in the above schedule require revision to the extent agreed by the parties in their settlement and from the date mentioned in the settlement.

11. As both the parties desire that this Tribunal should declare that they would be bound by the terms of the consent Award to be made in reference No. CGIT-13 of 1967 for the period mentioned in their settlement and to dispose of the reference accordingly, I pass the following order:—

ORDER

(i) It is hereby declared that the terms and conditions of the employees of M/s. D. Abraham & Sons Pvt. Ltd., Bombay other than car drivers in respect of (i) Pay Scales, (ii) Manner and Method of fixation of pay, (iii) Dearness Allowance, (iv) Over-time allowance, (v) Leave, (vi) Gratuity, (vii) Provident Fund, and (viii) Medical benefits require revision to the extent agreed by the parties in their settlement and that they would come into force with effect from the dates mentioned in their settlement in Part I Award and the Award to be given in Reference No. CGIT-13 of 1968 by the Central Government Industrial Tribunal 1, Bombay.

(ii) Joint application given by both the parties on 3rd October, 1969 marked as Annexure X is to form part of this Award.

(iii) Award is made accordingly.

(iv) No order as to costs.

(Sd.) N. K. VANI,
Presiding Officer.

REFERENCE NO. CGIT 2/10 OF 1968

PREVIOUS REF. NO. CGIT 6 OF 1968

Employers in relation to M/s. D. Abraham & Sons Pvt. Ltd., Bombay

AND

Their workmen.

May it please the Hon. Tribunal.

The matters now pending before the Hon. Tribunal in respect of (1) Pay Scales, (2) Manner and Method of Fixation of pay, and (3) D.A. These issues are also covered by another reference viz. Ref. CGIT-13 of 1967 which is also pending before Shri A. T. Zambre, Central Government Industrial Tribunal.

The parties to this reference have arrived at an agreement in respect of these matters and they will file an application before the Hon. Tribunal dealing with Ref. No. CGIT-13 of 1967, for making a consent award in terms of the agreement.

The parties hereby declare that they would be bound by the terms of the said consent award for the period mentioned in the settlement. In view of this position, it is respectfully submitted that the Hon. Tribunal may kindly record this declaration and dispose of this reference.

for D. Abraham & Co. Ltd., Bombay
(Sd.) Illegible.

Director.

for Workmen
(Sd.) Illegible.

Asstt. Secretary,

Transport & Dock Workers Union, Bombay.

BOMBAY:
Dated 3rd October, 1969.

S.O. 4419.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta in the industrial dispute between the employers in relation to Messrs Paint Colour and Varnish Company, Calcutta and their workmen, which was received by the Central Government on the 13th October, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA.

REFERENCE NO. 55 OF 1969

PARTIES:

Employers in relation to M/s. Paint Colour and Varnish Company, Calcutta,

AND

Their workmen.

PRESIDENT:

Shri B. N. Banerjee—Presiding Officer.

APPEARANCES:

On behalf of Employers: Shri R. Das Gupta, Labour Adviser.

On behalf of Workmen: Shri W. A. Azad, Joint Secretary of Calcutta Dock Workers Union.

STATE: West Bengal

INDUSTRY: Dock.

AWARD

By Order No. 28/37/69-LWI-III, dated July 3, 1969, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred the following industrial dispute between the employers in relation to Messrs Paint Colour and Varnish Company, Calcutta, and their workmen, to this Tribunal, for adjudication, namely:

"(i) Whether the action of the management of messrs Paint Colour and Varnish Company, Calcutta in discharging from service Shri Md. Muslim Watchman with effect from 10th January, 1969 was justified?

"(ii) If not, to what relief is the workman entitled?"

2. The workman Md. Muslim was represented before this Tribunal by Calcutta Dock Workers' Union. It is an admitted fact that workmen of Paint, Colour and Varnish Company form a unit of Calcutta Dock Workers' Union. I need not decide the dispute myself because the employers and the workmen have themselves decided the dispute amicably and filed a petition of compromise. Both sides prayed that an award be passed in terms of the petition of compromise. I find that the compromise fully and completely settles the dispute. I, therefore, pass an award, on terms contained in the petition of compromise. Let the petition of compromise form part of this award.

(Sd.) **B. N. BANERJEE,**
Presiding Officer.

BEFORE SHRI B. N. BANERJEE, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CALCUTTA

In the matter of Reference No. 55 of 1969

AND

In the matter of an industrial dispute

BETWEEN

The employers in relation to Messrs Paint, Colour and Varnish Company, 7, Falgoondas Lance Calcutta 12

AND

Their workmen represented by Calcutta Dock Workers' Union, 27B, Circular Garden Reach Road, Calcutta-23.

The humble petition of both the parties abovenamed most respectfully

Sheweth:

1. That the parties have jointly and amicably settled the above dispute on the following terms and conditions:

- (a) The employers shall pay to Md. Muslim, watchman, a sum of Rs. 2000 (Rupees Two thousand) only.
- (b) The service of Md. Muslim is hereby terminated, and he shall have no claim for reinstatement and for any other monetary claims against the employer.
- (c) All claims in respect of the above mentioned matter are hereby settled.
- (d) The employers shall give a transfer certificate to the concerned workman.

2. That the above mentioned dispute is settled in terms of this agreement.

It is prayed that the Honourable Tribunal may be pleased to accept the terms of settlement stated hereinabove and pass an Award in terms of this settlement and such other order or orders which may be considered fit and necessary by the Honourable Tribunal and for this act of kindness, the petitioners as in duty bound shall ever pray.

Representative of the Union

Illegible

Joint Secy.

Representative of the Employer

Illegible

Labour Adviser

for Paint, Colour and Varnish Company.

Calcutta Dock Workers' Union Md. Muslim.

[No. 28/37/69-LWI-III.]

C. RAMDAS, Deputy Secy.

OFFICE OF THE COLLECTOR OF CENTRAL EXCISE, HYDERABAD

CENTRAL EXCISE

Hyderabad, the 3rd September 1969

S.O. 4420.—In exercise of the powers conferred on me by rule 173-C(1) of the Central Excise Rules, 1944, I hereby direct that manufacturers of patent or proprietary medicines should, while submitting the price list in accordance with the directions contained in Collectorate Notification No. 4/69-CE, dated 23rd May, 1969 give therein the following additional particular, namely:—

“Retail price as declared in the Drugs Prices Display Control Order”.

[No. 6/69.]

M. L. ROUTH, Collector.

OFFICE OF THE COMMISSIONER OF INCOME-TAX, POONA

INCOME-TAX

Poona, the 15th October 1969

S.O. 4421.—Whereas the Central Government is of the opinion that it is necessary and expedient in public interest to publish the names and the other particulars relating to assessees on whom a penalty of not less than Rs. 5,000/- was imposed during the financial year 1968-69;

And whereas in exercise of the powers conferred by Section 287 of Income-tax Act (43 of 1961) in this behalf on me by the Central Government by its order dated 26th March, 1969;

I, the Commissioner of Income-tax, Poona, hereby publish the names and other particulars as indicated below:—

SCHEDULE I

Assessees on whom a penalty of not less than Rs. 5,000 was imposed for failure to file return of income during the period commencing with 1st April, 1968 and ending with 31st March, 1969 where no appeal was presented within time allowed therefor or where the appeals to Tribunal have been disposed of during the financial year 1968-69.

S. No.	Name & address of the assessee	Status	Amount of penalty	Asst. Year in relation to which the default occurred
1	2	3	4	5
1	M/s. B. S. Pawar & Sons, 574, Sachapir Street, Poona. Partners— 1. Shri B.S. Pawar 2. Shri G. B. Pawar 3. Shri B.B. Pawar 4. Shri K. B. Pawar	R. F.	5,810	1962-63
2	M/s. B. U. Bhandari, 133, Nana Peth, Poona. Partners— 1. Smt. Navalbal B. Bhandari 2. Shri Maniklal B. Bhandari 3. Shri Jaykumar B. Bhandari 4. Smt. Vimalbai V. Bhandari	R. F.	6,056	1964-65
3	M/s. A. K. Abduji, 915, Budhwar Peth, Poona-2. Partners— 1. Shri A.H. Poonawalla 2. " P.H. Poonawalla 3. " A.A. Poonawalla 4. " S. T. Poonawalla 5. " P.A. Poonawalla 6. " E.T. Poonawalla 7. " H.A. Poonawalla	"	7,362	1965-66
4	Do. , ,		5,578	1966-67
5	Shri M. M. Manjare, Chakan, Tal. Khed. H. U. F.		8,075	1962-63
6	M/s. Deccan Charcoal & Fire Wood, 453, R. F. Somwar Peth, Poona.		7,982	1966-67

1	2	3	4	5
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Partners :—

1. Shri Surjitsingh Gyansingh
2. Shri Harbansingh Gyansingh
3. Shri Maliksingh Gyansingh

7. M/s. Olympic Arts and Litho Printers, R.F. 9,768 1962-63
Sangli.

Partners :—

1. Shri D.A. Limaye
2. " K.A. Limaye
3. " Vishnu A. Limaye
4. " Vasudeo A. Limaye
5. " G.A. Limaye
6. " Vaman A. Limaye

SCHEDULE II

Assesseees on whom a penalty of not less than Rs. 5,000 was imposed for concealment of income during the period commencing with 1st April, 1968 and ending with 31st March, 1969 where no appeal was presented within the time allowed therefore or where the appeals to Tribunal were presented have been disposed of during the financial year 1968-69.

S. No.	Name & address of the assessee.	Status	Amount of penalty	Asst. in relation to which the default occurred	Year
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1	2	3	4	5
1	M/s. B.J. Pachore (Coal Ash) Sangli	R. F.	6,000	1962-63
	Partners :—			
	1. Shri B.M. Kumbhar			
	2. Shri J.J. Pachore			
	3. Shri B.B. Pachore			
	4. Shri B.J. Pachore			
	5. Late E.J. Pathan (decd) L/H Y. E. Pathan			
	6. Shri M.M. Pathan			
2	M/s. Olympic Arts & Litho Printers Sangli.	„	5,000	1960-61
	Partners :—			
	1. Shri H.A. Limaye			
	2. Shri K.A. Limaye			
	3. Shri Vishnu A. Limaye			
	4. Shri Vasudeo A. Limaye			
	5. Shri G. A. Limaye			
	6. Shri Vaman A. Limaye			
3	M/s. Uttamchand Hirachand Chalisgaon	„	6,350	1963-64
	Partners :—			
	1. Shri Uttamchand Hirachand			
	2. Shri Bhagchand Hirachand			
	3. Shri Motilal Hirachand, Kars Champalal Motilal.			
4	M/s. Himatlal Manilal, Jalna.	„	7,000	1963-64
	Partners :—			
	1. Shri Himatlal Manilal			
	2. Shri Ramanlal Manilal			
	3. Shri Chandulal Manilal			
	4. Shri Manilal Revaldas			

S.O. 4422.—Whereas the Central Government is of the opinion that it is necessary and expedient in public interest to publish the names and the other particulars relating to assessees;

- (i) being Individuals or Hindu Undivided Families, who have been assessed on an income of more than one lakh of rupees;
- (ii) being Firms, Association of Persons or Companies, being assessed on an income of more than ten lakhs of rupees

during the Financial Year 1968-69;

And whereas in exercise of the powers conferred by Section 287 of Income-tax Act, 1961 (43 of 1961) in this behalf on me by the Central Government by its order dated 25th March, 1969;

I, the Commissioner of Income-tax, Poona, hereby publish the names and other particulars as indicated below:—

- I. Individuals and Hindu Undivided Families who have been assessed on an income of more than a lakh of rupees during the Financial Year 1968-69.

Sr. No.	Name and address of the assessee	Status	Assistant Year	Income assessed under Income tax Act
				1 2 3 4 5
1	Shri M. N. Anklesaria, 94, M. G. Road, Poona.	Individual	1966-67	₹,15,760
2	Shri A. H. Abdul Azizkhan, 129, Kasba Peth, Poona.	,,	1964-65	₹,87,540
3	Do.	,,	1965-66	₹,28,410
4	Do.	,,	1966-67	₹,06,060
5	Umadevi Agarwal, Wardha	,,	1968-69	₹,12,980
6	Shri S. K. Bhagwat, Sadashiv Peth, Poona.	,,	1968-69	₹,04,120
7	Shri P. M. Bodas 48, Vijayanagar Colony, Sadashiv Peth Poona.	,,	1964-65	₹,02,890
8	Babulal Ramkisan Jaisingpur;	,,	1967-68	₹,26,280
9	Shri B.G. Bhaskarwar, Chanda	,,	1967-68	₹,64,540
10	Smt. Vimaladevi Bajaj, Wardha	,,	1965-66	₹,54,733
11	Do.	,,	1966-67	₹,58,640
12	Do.	,,	1967-68	₹,40,160
13	Shri Kamalnayan Bajaj, Wardha	H. U. F.	1967-68	₹,22,331
14	Shri Chimanlal R. Bharatia, Akola	Individual	1967-68	₹,20,220
15	Shri Chimanlal Hargovindas 205, Rainwar Peth, Poona.	H.U.F.	1964-65	₹,02,070
16	Shri Kisandas P. Chabria, 484, Budhwar Peth, Poona.	Individual	1965-66	₹,42,110
17	Do.	,,	1966-67	₹,02,760
18	Shri Bhagwandas P. Chabria 484, Budhwar Peth, Poona.	,,	1965-66	₹,25,740
19	Shri Prahlad P. Chabria 484, Budhwar Peth, Poona.	,,	1965-66	₹,42,550
20	Do.	,,	1966-67	₹,01,610
21	Shri Chunilal Rupchand, Shrirampur, Dist. Ahmednagar.	H.U.F.	1964-65	₹,26,630
22	Do.	,,	1965-66	₹,33,750
23	Do.	,,	1966-67	₹,16,180
24	Do.	,,	1967-68	₹,53,770
25	Do.	,,	1968-69	₹,23,250
26	Shri Chaganlal Ramkisan, Jaisingpur	Individual	1967-68	₹,26,041
27	Shri D.S. Chaudhari, Jaisingpur	,,	1968-69	₹,30,190
28	Shri Raghu Nathdas A. Chandak, Akola	,,	1967-68	₹,07,370
29	Shri Birdichand A. Chandak, Akola	,,	1966-67	₹,30,240
30	Do.	,,	1967-68	₹,30,200
31	Shri N. S. Chandak, L/H. Y. N. Chandak, Sinnar.	,,	1964-65	₹,13,700

I	2	3	4	5
32	Shri R.R. Chandak, Sinnar	Individual	1964-65	1,02,760
33	Shri R.S. Chandak, Sinnar		1964-65	2,07,470
34	Shri M.G. Chirmade, Jalgaon		1964-65	1,21,420
35	Shri Chandrakant Bhaidas, Bhayander		1967-68	1,20,440
36	Shri S.V. Dublev 709, Nana Peth, Poona		1965-66	1,00,640
37	Do.		1966-67	1,53,220
38	Do.		1968-69	1,64,030
39	Shri R.H. Desai, 1436, Kasba Peth, Poona		1967-68	1,08,940
40	Do.		1968-69	1,22,120
41	Shri W.L. Dahanukar, 37/16 Parbhate Cross Road, Poona.		1965-66	1,17,431
42	Shri Danmal Rajmal, 386, Raviwar Peth, Poona.		1966-67	2,26,200
43	Shri Dhanji Laljo, Shahupuri, Kolhapur		1965-66	1,56,228
44	Do.		1966-67	1,37,751
45	Shri J. N. Daga, Nagpur	H.U.F.	1964-65	1,09,298
46	Shri S.N. Daga, Nagpur		1964-65	1,09,095
47	Shri G.N. Daga, Nagpur		1964-65	1,09,298
48	Smt. Radhadevi Daga, Nagpur	Individual	1964-65	1,14,435
49	Smt. Shree Kunwardevi Daga, Nagpur		1964-65	1,13,488
50	Shri Deokisan Bastiram Sinnar		1964-65	3,08,471
51	Shri N.C. Dudhani, Thana		1968-69	1,01,190
52	Shri Futermal Rajmal, 389 Raviwar Peth, Poona.		1960-61	1,13,230
53	Dr. K.B. Grant, 40, Sassoon Road, Poona.		1967-68	2,85,580
54	Do.		1968-69	1,13,210
55	Shri V.M. Ghatge, Kolhapur		1965-66	1,55,964
56	Do.		1966-67	1,97,145
57	Shrimati P.J. Ghatge, Kolhapur		1968-69	1,11,270
58	Shrimati V.J. Ghatge, Kolhapur		1968-69	1,08,370
59	Shri Hariram Murlidhar Geonka, Akola	H.U.F.	1964-65	1,08,370
60	Shri Haji Kasan Haji Ismail Chandur Railway.	Individual	1965-66	1,51,666
61	Do.		1966-67	1,29,770
62	Shri Hirralal Jairambhai Nasik Road		1965-66	1,64,820
63	Do.		1966-67	1,57,320
64	Do.		1967-68	1,80,580
65	Shri F.K. Irani, 242, East Street Poona.		1965-66	1,12,210
66	Do.		1966-67	1,49,740
67	Do.		1967-68	1,34,510
68	Do.		1968-69	1,40,680
69	Shri Homi Mulak Irani, 1967, West Street, Poona.		1968-69	1,34,540
70	Smt. Goolbai M. Irani, 468/170, Followers Road, Poona.		1965-66	1,89,480
71	Do.		1966-67	1,47,192
72	Shri Isa Haji Dada, Warora Dist. Chanda.		1964-65	1,37,740
73	Shri S.R. Irani, Thana		1964-65	1,89,850
74	Shri K.G. Joshi, 709, Narayan, Peth, Poona,		1965-66	1,06,460
75	Do.		1966-67	1,53,020
76	Do.		1968-69	1,64,200
77	Shri M.B. Jambbekar of Lonavala, Tal. Maval.		1968-69	1,38,510
78	Shri V.G. Joshi, J.M. Road, Poona		1964-65	1,83,650
79	Shri N.K. Joshi, Kirloskarwadi, Dist. Sangli.		1967-68	2,74,890
80	Do.		1968-69	2,62,980
81	Shri S.S. Jain, Amravati;		1964-65	1,68,610
82	Shri Jairambhai Dayabhai Nasik Road		1964-65	1,87,830
83	Do.		1965-66	3,33,760
84	Do.		1966-67	3,44,080
85	Do.		1967-68	3,67,720

1	2	3	4	5
				Rs.
86	Shri R.R. Jain, Nasik	Individual	1968-69	1,55,240
87	Shri L.K. Kapadiya, 775/5, Deccan Gymkhana, Poona.	„	1964-65	1,71,300
88	Do.	„	1965-66	2,59,020
89	Do.	„	1966-67	2,86,570
90	Do.	„	1967-68	3,67,700
91	Shri S.L. Kirloskar Lakaki, Poona	„	1964-65	3,22,480
92	Do.	„	1965-66	2,78,540
93	Do.	„	1966-67	2,93,870
94	Do.	„	1967-68	3,03,380
95	Do.	„	1968-69	3,72,950
96	Shri V.B. Kirtane, 1170/26, Shivaji-Nagar, Poona	„	1967-68	2,34,180
97	Do.	„	1968-69	2,43,740
98	Shri P.L. Kirloskar, Lakaki, Poona.	„	1967-68	1,39,290
99	Shri C.S. Kirloskar, Ganeshkhind Road, Poona.	„	1967-68	1,63,370
100	Shri C.S. Kirloskar, Shivajinagar, Poona.	„	1968-69	1,94,800
101	Shri A.N. Kulkarni, C/o Kirloskar Oil Engines, Ltd., Poona.	„	1968-69	1,20,460
102	Shri S.R. Kirloskar, Lakaki, Poona	„	1968-69	1,16,700
103	Shri M.S. Kirloskar, C/o Kirloskar Press, Swargate, Poona.	„	1968-69	1,55,570
104	Shri R.G. Kamat, Malwan	„	1964-65	1,52,708
105	Shri M.G. Karajgar, Udyamnagar, Kolhapur.	„	1965-66	1,77,710
106	Shri R.P. Khajanchi Prop. of Khajanchi Film Exchange, Amravati.	„	1964-65	2,94,419
107	Shri R.Y. Kshatriya, Nasik	„	1966-67	1,01,780
108	Do.	„	1967-68	1,05,560
109	Do.	„	1968-69	1,75,017
110	Shri V.R. Kshatriya, Nasik	„	1966-67	1,00,650
111	Do.	„	1967-68	1,04,790
112	Do.	„	1968-69	1,47,690
113	Shri D.S. Lulla, 93, M.G.Road, Poona	„	1964-65	1,05,000
114	Smt. M.M. Lohiya, 1105, Raviwar, Peth, Poona.	„	1964-65	1,21,520
115	Shri M.M. Lohiya, 1105, Raviwar, Peth, Poona.	„	1964-65	1,48,340
116	Smt. B.N. Lamba, Prop. Balbirsingh & Co., Shankarshet Road, Poona.	„	1967-68	2,27,830
117	Do.	H. U. F.	1968-69	1,79,990
118	Shri M.B. Lohia, Sykes Extension, Kpibapur.	Individual	1964-65	1,06,904
119	Shri Lachmandas Sitaldas, Kalyan Camp-2.	„	1964-65	3,11,610
120	Shri M.K. Mehandale, Sadasiv Peth, Poona-2.	„	1965-66	1,26,210
121	Do.	„	1966-67	1,74,030
122	Shri R.A. Mehta, 20, New Bazar, Kirkee, Poona.	„	1967-68	1,11,590
123	Shri Ramanlal A. Mehta, Poona	„	1968-69	1,12,410
124	Shri P.M. Mohite, Poona	„	1968-69	1,13,590
125	Shri N.M. Mohite, Poona	„	1968-69	1,17,140
126	Shri D.J. Mehta, 775/5, Deccan, Gymkhana, Poona.	„	1965-66	1,64,610
127	Do.	„	1966-67	1,88,020
128	Do.	„	1967-68	3,35,010
129	Shri H.H. Maharaja Mayurdhwaj Sinhaji of Dharangdhara, Gokhale, Road, Poona.	„	1968-69	1,58,310
130	Shri Motilal Tuljaram Baramati, Dist. Poona.	„	1967-68	1,19,310
131	Shri Maniklal Tuljaram Baramati Dist. Poona	„	1968-69	1,21,610

1	2	3	4	5
				Rs.
132	Shri D.H. Marda, Ichalkaranji	Indl.	1967-68	1,04,181
133	Shri Gopaldas B. Mohta, Akola	H.U. F.	1964-65	2,96,180
134	Shri Mathurdas B. Mohta, Hinganghat	Individual	1948-49	3,23,130
135	Shri Punamchand R. Mehta, Amravati	"	1967-68	1,56,829
136	Shri Mohd. Abbas Abdul Kadir, Prop. of M/s. Bhiwandi Sizing Works, Bhiwandi.	"	1964-65	1,00,110
137	Shri M. V. Narsi, 24, Bombay Poona Road, Poona.	"	1968-69	1,74,220
138	Shri R. G. Doshi, Prop. of M/s. New Vardhaman Machinery Stores, Baramati.	"	1967-68	1,20,350
139	Shri Narayandas Nathuram, Malegaon	H.U.F.	1962-63	1,10,690
140	Shri H. M. Patel, 1704, Kedari Road, Poona.	Individual	1964-65	2,08,710
141	Shri P. P. Patwardhan, Koregaon Park, Poona.	H.U.F.	1967-68	1,04,550
142	Shri R. H. Pandit, Tilak Road, Poona	Individual	1964-65	1,29,920
143	Do.	"	1965-66	1,81,840
144	Do.	"	1966-67	1,82,450
145	Do.	"	1967-68	1,27,550
146	Do.	"	1968-69	2,01,500
147	Shri V. R. Paranjape, 711, Narayan Peth, Poona.	"	1964-65	1,84,050
148	Do.	"	1965-66	2,02,750
149	Do.	H.U.F.	1965-66	1,04,130
150	Shri N. W. Patil, Municipal Industrial Estate, Hadapsar, Poona.	Individual	1967-68	2,15,120
151	Dr. N. B. Parulekar, 595, Budhwar, Peth, Poona.	"	1967-68	1,13,690
152	Do.	"	1968-69	1,40,380
153	Shri J. B. Patil, Rajaram Road, Kolhapur.	"	1965-66	1,55,645
154	Do.	"	1966-67	1,95,315
155	Shri K. S. Parbhoo Laxmipuri, Kolhapur.	"	1966-67	1,10,197
156	Shri C.G. Patel, Chanda	"	1968-69	1,54,340
157	Shri A.H. Patel, Chanda	"	1968-69	1,18,260
158	Shri Purshottamdas Bachardas, Yeola	"	1964-65	1,17,450
159	Shri Ramchand Parshuram, 484, Budhwar Peth, Poona.	"	1965-66	1,42,300
160	Do.	"	1966-67	1,02,000
161	Shri Rajkumar Tuljram, Baramati Dist., Poona.	"	1967-68	1,20,520
162	Shri Rasiklal Ratanchand, Nanded, Dist. Poona.	"	1968-69	1,13,020
163	Mrs. Kusum R. Rathi, 614, Raviwar Peth, Poona.	"	1966-67	1,17,790
164	Do.	"	1967-68	1,90,380
165	Do.	"	1968-69	1,07,870
166	Shri Narayandas J. Rathi, 614, Raviwar Peth, Poona.	"	1968-69	1,55,380
167	Shri Jagannath M. Rathi 614, Raviwar Peth, Poona.	"	1968-69	1,09,780
168	Shri R. J. Rathi, 1204/5, Shivajinagar, Poona.	H.U.F.	1968-69	1,00,560
169	Shri S.L. Rathi, Amravati	Individual	1964-65	1,45,460
170	Shri R. N. Shah, 246, Raviwar, Peth, Poona.	"	1964-65	3,37,390
171	Shri Fulchand P. Shah 25-27, Chiplunkar Road, Law College Road, Eranavane, Poona.	"	1964-65	7,91,120

I	2	3	4	5
				Rs.
172	Shri S. K. Sawaikar, Guruwar Peth, Poona.	H.U.F.	1965-66	1,07,200
173	Do.		1966-67	1,33,920
174	Do.	Individual	1967-68	1,19,600
175	Do.		1968-69	1,39,270
176	Shri G. R. Sable, 105, Bhavani Peth, Poona.	Individual	1964-65	6,00,730
177	Do.		1965-66	6,40,410
178	Shri S. R. Sable, 105, Bhavani, Peth, Poona.		1964-65	7,22,910
179	Do.		1965-66	7,70,530
180	Shri Iner Pal Seth, 21/4, Bundgarden Road, Poona.		1965-66	1,08,270
181	Shri V. N. Somvanshi 1388, Shukrawar Peth, Poona.		1964-65	2,76,950
182	Do.		1965-66	3,87,730
183	Do.		1966-67	2,28,520
184	Do.		1968-69	1,28,960
185	Shri L. N. Somvanshi 1388, Shukrawar Peth, Poona.		1964-65	2,75,760
186	Do.		1965-66	3,87,530
187	Do.		1966-67	2,24,110
188	Do.		1968-69	1,29,270
189	Shri R. S. Sanghavi, Chaturshingi Road, Poona.		1966-67	1,40,160
190	Shri P. M. Shah, Shivejinagar, Poona		1966-67	1,06,800
191	Do.		1967-68	1,18,410
192	Shri V. M. Shah, Shivejinagar, Poona		1967-68	1,42,140
193	Shri Suresh S. Shirgaonkar, Shahupuri Kolhapur.		1967-68	1,04,811
194	Shri D. M. Shirgaonkar, Shahupuri, Kolhapur.		1967-68	1,16,502
195	Do.		1968-69	1,04,211
196	Shri M. P. Shirgaonkar, Shahupuri, Kolhapur.		1967-68	1,11,424
197	Shri K. P. Shirgaonkar, Shahupuri, Kolhapur.		1967-68	1,04,810
198	Shri G. R. Shirodkar, Vengurla		1965-66	1,34,240
199	Shri Suleman Hajj Dada, Warora, Dist. Chanda.		1964-65	1,34,400
200	Shri R. Satyanarayan, Amravati		1967-68	1,12,580
201	Shri B. N. Sard, Sinnar		1964-65	2,08,670
202	Shri K. B. Sard, Sinnar		1964-65	3,06,020
203	Shri Sitaram Kanaiyalal, Amalner	H.U.F.	1964-65	1,43,600
204	Shri Suleman Mukhtyar, 188, Kap. Kaneri, Bhiwandi.	Individual	1967-68	1,26,236
205	Shri S. R. Thakur, Guruwar Peth, Poona-2.		1964-65	1,62,580
206	Do.	H. U. F.	1965-66	1,32,940
207	Thakersey Permanand, 33, New Timber Market, Poona.	Individual	1964-65	1,17,060
208	Shri Trimbakbhai Jalrambhai Nasik Road.		1964-65	1,45,980
209	Do.		1965-66	2,66,310
210	Do.		1966-67	2,60,670
211	Do.		1967-68	2,87,442
212	Shri V. B. Utkur, Udyamnagar, Kolhapur.		1964-65	1,18,889
213	Shri G. S. Vaidya, Poona		1966-67	1,15,130
214	Do.		1967-68	1,56,840
215	Do.		1968-69	1,66,740
216	Shri V. S. Vaidya, 481, Shivajinagar, Poona.		1964-65	1,37,180
217	Shri Vrijalal Ratanchand Nanded, Dist. Poona.		1968-69	1,13,120

1	2	3	4	5
				Rs.
218	Shri M. S. Vartak, C/o Kirloskar Oil Engines, Poona.	Indl.	1968-69	1,47,280
219	Shri Vipinchandra Bahidas, Bhayander.	„	1967-68	1,19,830
220	Shri H. M. Waghire, 105, Bhavani Peth, Poona.	„	1965-66	6,40,420
221	Shri K.L. Wadhi, Kalyan	„	1964-65	1,24,730

II. Firms, Associations of persons and Companies who have been assessed on an income of more than ten lakhs of rupees during the Financial Year 1968-69.

Serial No.	Name and address of the assessee	Status	Assesst year	Income assessed under.. I.T. Act, 1961
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1	2.	3	4	5
				Rs.
1	Ashok Sahakari Sakhar Karkhana, Ashoknagar, Ahmednagar.	A.O.P.	1964-65	18,34,090
2	Do.	„	1965-66	19,04,940
3	M/s. Asbestos Cement Ltd., Mulund	Ltd. Co.	1968-69	66,52,130
4	The Brihan Maharashtra Sugar Syndicate Ltd., Poona.	Ltd. Co.	1964-65	18,27,440
5	Do.	„	1965-66	12,96,320
6	Do.	„	1966-67	12,65,290
7	Ballarpur Paper & Straw Board Mills Ltd., Ballarpur.	„	1964-65	50,65,050
8	M/s. R. B. Bansilal Abirchand Hinganghat.	R.F.	1964-65	13,30,550
9	M/s. Bastiram Narayandas, Sinnar	„	1964-65	18,80,970
10	Shri Chhatrapati Shivaji Sahakari Sakhar Karkhana Ltd., Poona District.	A.O.P.	1965-66	23,01,480
11	Do.	„	1966-67	19,43,710
12	Castle Mills No 2, Thana	R.F.	1965-66	71,43,880
13	M/s. Hindustan Antibiotics Poona.	Ltd. Co.	1965-66	48,51,350
14	Do.	„	1966-67	1,38,50,030
15	Do.	„	1967-68	1,90,53,110
16	M/s. Jal Hind Industries, Pvt. Poona.	Ltd. Pvt. Ltd. Co.	1968-69	12,61,120
17	M/s. Kirloskar Pneumatic Co. Hadapsar, Poona.	Ltd. Co.	1964-65	48,14,560
18	Do.	„	1965-66	77,34,980
19	Do.	„	1966-67	32,54,190
20	Do.	„	1968-69	45,24,950
21	M/s. Kirloskar Brothers, Kirloskarwadi, Distt. Sangli.	„	1964-65	37,69,610
22	Do.	„	1965-66	38,98,960
23	M/s. Kirloskar Brothers, Ltd. Poona	Ltd. Co.	1966-67	48,76,164
24	Do.	„	1967-68	85,44,170
25	Do.	„	1968-69	60,14,350
26	M/s. Kirloskar Oil Engines Ltd. Poona	„	1964-65	84,34,410
27	Do.	„	1965-66	1,05,95,200
28	Do.	„	1966-67	82,64,630
29	Do.	„	1967-68	1,65,20,320
30	Do.	„	1968-69	2,33,04,170
31	M/s. Kirloskar Sons & Co Fergusson College, Road, Poona.	R.F.	1968-69	12,04,990

1 s	2	3	4	5
				Rs.
32	The Kolhapur Sugar Mills Ltd. Kol- hapur.	Ltd. Co.	1957-58	27,33,364
33	Do.	”	1958-59	25,51,664
34	Do.	”	1959-60	25,77,009
35	Do.	”	1964-65	36,97,610
36	Kopergaon Sahakari Sakhar Karkhana Ltd., Kopergaon.	A.O.P.	1964-65	27,56,940
37	Do.		1965-66	30,13,800
38	M/s. K. T. Stee. Industries Ambernath	Pvt. Ltd.	1965-66	13,68,030
39	Do.	”	1966-67	12,03,040
40	Malegaon Sahakari Sakhar Karkhana Ltd., Malegaon Dist. Poona.	A.O.P.	1966-67	20,93,670
41	Do.		1967-68	19,17,170
42	The Panchaganga Sahakari Sakhar Karkhana Ltd., Ganganagar.	A.O.P. ”	1964-65	31,43,969
43	Pravara Sahakari Sakhar Karkhana Ltd., Ahmednagar.	”	1964-65	28,02,750
44	Do.	”	1965-66	33,51,020
45	Rahuri Sahakari Sakhar Karkhana Ltd., Rahuri, Dist. Ahmednagar.	”	1964-65	16,45,110
46	Do.		1965-66	14,37,360
47	M/s. Swastik Rubber Products Ltd., Behind Kirkee Railway Station, Kirkee, Poona.	Ltd. Co.	1966-67	19,71,940
48	Do.	”	1967-68	23,47,360
49	Do.	”	1968-69	36,74,830
50	M/s. Sandvik Asia Ltd., Bombay Poona Road, Poona.	”	1965-66	20,69,900
51	Do.	”	1966-67	20,78,600
52	M/s. Sathe Biscuits & Chocolate Co. Ltd., Poona.	”	1968-69	15,22,840
53	M/s. Sabale, Waghire & Co. 105, R.F. Bhawani Peth, Poona.	”	1964-65	21,96,880
54	Do.		1965-66	23,42,030
55	The Saswad Mali Sugar Factory Malinagar.	Ltd. Co.	1964-65	15,39,289
56	Do.		1965-66	16,02,515
57	Shriram Sahakari Sakhar Karkhana Ltd. Phaltan Dist. Satara.	A.O.P. ”	1964-65	23,88,220
58	Thakur Savdekar & Co. pvt. Ltd. Poona Pvt. Ltd.		1968-69	10,20,500

[No. P. J-1/69-70 (SIB).]

A. BALASUBRAMANIAN, Commissioner.